THE SOUTHWESTERN POLITICAL AND SOCIAL SCIENCE QUARTERLY

VOL. VIII MARCH, 1928 No. 4

CONTENTS

PUBLISHED QUARTERLY BY
THE SOUTHWESTERN POLITICAL AND SOCIAL SCIENCE ASSOCIATION
AUSTIN, TEXAS

"Entered as second-class matter January 10, 1921, at the postoffice at Austin, Texas, under the Act of March 3, 1879."

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THE
SOUTHWESTERN POLITICAL AND
SOCIAL SCIENCE QUARTERLY

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Vol. VIII March, 1928 No. 4

PEDRO LOOKS AT UNCLE SAM

BY HERMAN G. JAMES

University of Nebraska

"O wad some Power the giftie gie us
To see oursels as ithers see us!"

The famous quotation from Bobbie Burns given above is much more frequently invoked to call attention to the supposed optic disabilities of others than to our own limited vision. We do, however, subscribe in a general way to the idea that there may be some value in knowing how others see us, even if, as frequently happens, that view may in fact be as prejudiced and warped as our own. Out of the composite of such views the truth, or at any rate its nearer approximation, may emerge.

It is the purpose of this inquiry, therefore, to reveal the picture of our own United States as it exists in the mind's eye of Latin America and to inquire how and why such a view developed. How we view ourselves needs no elaboration, for the tragic farce of Big Hill Thompson and his kind could not even get a place on the bill were it not for the fact that the 150 per cent Americans are so devastatingly numerous. Nor is it our purpose to analyze, criticize, condemn, defend, or praise the events and developments which have resulted in the view we as a people and a nation present to the eye of Latin America. When we have seen ourselves as others see us, we shall have taken the first and fundamental step. What, if anything, we can or should do about it, is another story.

Most astonishing, is the change that a hundred years have wrought in the manner in which Latin America regards us.

Early in the nineteenth century Simón Bolívar, the great Liberator, wrote concerning the United States of America:

> The example of the United States, because of its wonderful prosperity, was too prominent not to be emulated. Who can resist the victorious attraction of a full and absolute enjoyment of sovereignty, independence and liberty? Who can resist the love that inspires such intelligent government, that combines at one and the same time private rights with general rights, that makes the common will the supreme law of the individual will? Who can resist the rule of a beneficent government that with an able, active, and powerful head ever and everywhere guides all its springs of action towards social perfection, which is the sole end of human institutions?[1]

Immediately after the publication of the famous message of President Monroe on December 2, 1823, containing the statements known thereafter as the Monroe Doctrine, the Government of Brazil proposed to the United States an offensive and defensive alliance on the basis of that doctrine, acting on the principle "that it was not in accordance with reason, justice, and right, that sacrifices, such as those which the United States undertook to make for the other American nations, should be accepted gratuitously."[2] In the same year the President of the Republic of Colombia made a similar proposal.

These examples are characteristic of the prevailing opinions of that period. What a contrast is presented by representative opinions a hundred years later! Rufino Blanco-Fombona, writing early in the twentieth century, pictures the same United States as follows:

> The people of the United States, before their war with Mexico, were a people without militaristic and imperialistic ambitions, the model of the home of civil liberty. All of South America admired them, with the same ardor with which today they detest them, because of their fraudulent elections, their trusts, their Tammany Hall, the loose customs of their women, their treachery in business, their ridiculous, wordy and symbolical Colonel Roosevelt, their shirt sleeve diplomacy, their professors in universities who write concerning Latin America with supine ignorance, their sinking of the Maine, the secession of Panama, the taking over of the finances

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[1] Quoted from Inman, *Problems in Pan Americanism*, p. 324.

[2] Quoted from James and Martin, *The Republics of Latin America*, p. 461.

> of Honduras, the taking over of the customs of Santo Domingo, the blood which they spilled and the independence which they annulled in Nicaragua, the revolutions which they fomented in Mexico and the disembarking in Vera Cruz, their claiming of 81 million pesos from Venezuela, when in reality they only owed them 2 million, their recognition of a foreign arbitration, their demanding of the Alsop claim in Chile, their little disguised desire for the Galápagos Islands of Ecuador and the Chinese Islands of Peru; the daily affirmation that the Argentine statesmen should not be believed; the pretension of preventing Brazil from a valorization of her coffee; for the seizing of Porto Rico, for the Platt Amendment of the Constitution of Cuba; for having converted her cables and her periodicals into an office to discredit all and each of the republics of America; for their aggressive imperialism and all their conduct in respect to America, from the last half century up to the present.[3]

And in a similar vein, Dr. Manuel Ugarte writes in 1913 to President Wilson, just before his inauguration:

> We desire that Cuba be freed from the grievous burden of the Platt Amendment; we desire that Nicaragua be permitted once more to become the arbiter of her own destiny; we desire that the situation in Porto Rico be modified in a manner consonant with right and humanity; we desire that the abominable injustice committed against Colombia be rectified; we desire that to Panama . . . be conceded the dignity of a nation; we desire that the pressure exerted on the port of Guayaquil come to an end; we desire that the archipelago of the Galápagos be respected; we desire that freedom be granted the heroic people of the Philippines; we desire that Mexico should not continually see the sword of Damocles of intervention suspended over her flag; we desire that the companies which exceed their legitimate authority cease to find support for their unjust aggression; we desire that the United States abstain from intervening officiously in the internal politics of our countries and that she cease acquiring harbors and ports in our continent . . . We demand equality; we demand respect; we demand in short, that the stars and stripes cease to be a symbol of oppression in the New World.[4]

These are just samples of what Latin America thought of us on the eve of the World War. They do not comprise by any means nearly all the counts in the indictments that have

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[3]Quoted from Inman, *Problems in Pan Americanism*, p. 330.

[4]Quoted from James and Martin, *The Republics of Latin America*, p. 463.

been lodged against us. Nor do they, of course, contain the grievances that the Latin Americans complain of having suffered during the last fifteen years. These latter we shall touch upon briefly later on in the discussion.

Obviously it will not be possible within the limits of a presentation such as this to examine exhaustively all the charges lodged against us or to treat minutely even those which may be touched upon. But a brief mention of some of the more significant episodes will be sufficient to explain why the admiration and respect of the 1820's has turned into the suspicion and hatred of the 1920's.

In the first place, then, let us picture the situation as it existed, say in 1824, toward the close of President Monroe's second term when the United States was at the height of its popularity and leadership in this hemisphere. Argentina, Brazil, Chile, Colombia, and Mexico had all been recognized as independent states by our Government, though the last great battle of the struggle for independence from Spain was not fought until December, 1824, on the plains of Ayacucho in the Peruvian highlands.

The United States, in truth, had played a significant rôle in the attainment of that independence. The success of the British North American colonies in winning their freedom was indeed the original and ever-present inspiration to the patriots of the oppressed Spanish American colonies to do likewise. Francisco de Miranda, the great precursor of the revolution in South America, was with the American army during the Revolutionary War and sought aid from the American Government for his schemes for independence, receiving great encouragement from Alexander Hamilton, Rufus King, and other high Government officials. He even launched an armed expedition from New York in February, 1806, on the ill-fated *Leander*. Simón Bolívar, the Liberator, likewise traveled in the United States in 1806 and 1807 and had an opportunity to experience the friendly interest and enthusiasm which North Americans expressed for the plans for freeing the Spanish-American colonies, though as yet no single colony had actually revolted or indeed thought seriously of doing so.

After the almost simultaneous outbreak of rebellion throughout Latin America in 1810 and long before any signal successes had been obtained by the patriot arms, expressions

of sympathy and encouragement became louder and louder in the United States. As early as December, 1810, both houses of the United States Congress passed a resolution to the effect that "they beheld with friendly interest the establishment of independent sovereignties by the Spanish Provinces in America." The situation of the American Government was such that it could not abandon the policy of neutrality in this struggle, but everything that could be done short of an open violation of the duties of neutrals was done. Recognition of belligerent rights was early accorded, commissioners were received and sent, and Henry Clay by his ardent championship of the cause of the revolting colonies earned their undying gratitude. As early as 1818 he urged in an impassioned speech the immediate recognition of independence of the United Provinces of the Plate.

The international situation, particularly the state of our negotiations with Spain concerning the cession of the Floridas, precluded the administration from according recognition of independence until 1822, but, even so, our recognition was the earliest extended and was a source of real strength to the new states.

The admiration of the revolutionary leaders in Spanish America for the United States and her political institutions was most clearly shown by the incorporation into the earliest constitutions of the new states of the principles of the American Government, extending to the adoption of the federal form of organization in several instances. And when on top of all these events there came the declaration of President Monroe directed against the plans of the Holy Alliance to reconquer the Spanish colonies, the enthusiasm and admiration of the Latin American states for their northern neighbor knew scarcely any bounds.

The United States of America was at this time the only great republic in the world, and though possessing extensive territories had a population less than ten million, and an area of one and three-quarter million square miles, as compared, for instance, with a population of more than six million and an area of over a million and a quarter square miles in the neighboring republic of Mexico. Moreover, with this vast extension of territory so sparsely populated there seemed to be no great reason to fear an aggressive imperialism or a threat to the

security and independence of the sister republics in this hemisphere.

But even at this early date and in this era of general good feeling on the part of Latin America towards us there had appeared a cloud on the Mexican horizon which was destined gradually to expand until it darkened not only the entire firmament covering the relations between Mexico and the United States but also that larger sky of inter-American relations generally.

This cloud of misunderstanding arose out of the dissatisfaction in the United States with the terms of the Florida Treaty and the failure of the American Government to insist upon the inclusion of Texas. There had already been three separate filibustering expeditions by Americans into Texas while this region still belonged to Spain, the last of which, led by an American ex-army officer named Long, occurred in protest against the provisions of the Florida Treaty. Small wonder that the Mexicans lent an ear to the mischievous memorial of the Spanish Minister at Washington, published in Madrid in 1820, to the effect that the Americans thought themselves superior to all the nations of Europe; that both they and their Government believed that their dominion was destined to extend now to the Isthmus of Panama and hereafter over all the regions of the new world.[5]

So also the first Mexican minister officially received at Washington in December, 1822, within two weeks after his reception expressed the belief in an official dispatch that the American military forces were to be augmented with a view to occupying Texas. Said he, "The haughtiness of these republicans [Mexico was at the time under the short-lived Empire of Iturbide] will not allow them to look upon us as equals but merely as inferiors and in my judgment their vanity goes so far as to believe that their capital will be that of all the Americas."[6]

A year later the agent of the republican Government of Mexico expressed similar alarm, saying that the newspapers of the United States were frequently dwelling upon the fertility

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[5]Manning, *Early Diplomatic Relations between the United States and Mexico*, p. 279, as cited in Rippey, *The United States and Mexico*, p. 2.

[6]*Idem.*

of the soil of Texas and lamenting the cession of the province to the Spaniards. Speaking of the Anglo-Saxon element then being settled in Texas with the consent of the Mexican Government he said:

> My opinion is that some agents from New Orleans are intending to plant colonies of Anglo-Americans in Texas with the same object in view which they have accomplished in Baton Rouge, namely, that of acquiring an influence and majority in the population and forcing the inhabitants to declare that they desire to be annexed to the United States.

Is it any wonder that in the light of later developments these words have appeared to the Mexican as little less than prophetic?

And then this minister reports that he had been introduced to General Andrew Jackson (hero(?) of the Seminole War) who had stated in his presence that the United States should not have imperiled its opportunity to obtain Texas and that the best way to acquire territory was to occupy it first and negotiate afterwards as had been done in the case of Florida.[7]

Here we have then the early seeds of the fear and suspicion of Mexico toward our American doctrines of manifest destiny, racial superiority, and imperialism, which illuminate for them and for all Latin America the history of our subsequent dealing with that country.

For more than twenty years after 1824, the date of our greatest popularity with Latin America, we had scarcely any dealings of a diplomatic or official nature with any of the Latin American countries except Mexico and no serious controversies with any of them. There was no particular occasion for the Latin American countries, especially those of the southern continent, to alter their favorable opinion of our people and our Government. But with Mexico our relations became almost chronically bad, without, however, flaming into open war.

Some of the chief causes of dissension were bound up with anti-American propaganda by the British, with the fear by Mexico that the United States would try to secure Cuba, with the unlawful trade carried on by American frontiersmen with

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[7] *Ibid.*, pp. 2, 3.

Santa Fé, with the charges that our first minister to Mexico, Joel R. Poinsett, attempted to determine the course of Mexican politics, and with the undoubted disgraceful character of the second minister to Mexico sent by Andrew Jackson in 1829. The appoinment of Anthony Butler to this post would have been an insult and idiocy under the best of circumstances, but under the then existing unfavorable conditions little short of criminal.

Since the effect of this sort of diplomatic appointment is unbelievably lasting and since it presages an unfortunately long list of such unpardonable appointments in Latin America with all their disastrous consequences upon the light in which we appear to Latin America, it may be permissible to quote at some length the comments of the American historian Justin Smith as to this appointment.

> . . . For about six years (subsequent to 1829) the United States had as its representative a friend of Jackson's named Anthony Butler, whose only qualifications for the post were an acquaintance with Texas and a strong desire to see the United States obtain it. In brief he was a national disgrace. Besides having been through bankruptcy more than once, if we may believe the Mexican minister at Washington, and having a financial interest in the acquisition of this Mexican territory, he was personally a bully and a swashbuckler, ignorant . . . of the Spanish language and even of the forms of diplomacy, shamefully careless about legation affairs, wholly unprincipled as to methods, and, by the testimony of two American consuls, openly scandalous in conduct. One virtue, to be sure, according to his own account he possessed; he never drank spirits; but one learns of this with regret, for an overdose of alcohol would sometimes be a welcome excuse for him.
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> His particular business was to obtain as much of Texas as possible, an enterprise that lay close to Jackson's heart; and he began by visiting the province—about whose loyalty and relations with the United States much concern was already felt at Mexico—when on the way to his post. This promise of indiscretion in office was admirably fulfilled. Maintaining a hold on our President by positive assurances of success, he loafed, schemed, made overtures, threatened, was ignored, rebuffed, snubbed, and cajoled, fancied he could outplay or buy the astute and hostile Alamán, tried to do "underworking" with Pedraza, plotted bribery with one Hernández, the confessor of Santa Anna's sister, grossly violated his conciliatory instructions by engaging in a truculent personal affair with Tornel, and was finally, after ceasing to represent us, ordered out of the country. In short, he succeeded only in proving that we

> had for a minister a cantankerous, incompetent rascal, in making it appear that our Government was eager to obtain Mexican territory, and in suggesting—though explicitly and repeatedly ordered to eschew all equivocal methods—that we felt no scruples as to means. On the ground of Butler's connection with disaffected Texas, Mexico politely asked for his recall near the close of 1835, and in December Powhatan Ellis . . . was appointed *chargé d'affaires*.[8]

This Butler was a personal friend of the same Jackson who in 1823 was reported to have said in the presence of the Mexican minister that the best way to acquire territory was to occupy it first and to negotiate for it afterwards.

It was during this period, moreover, that the first signs of revolt in Texas appeared, signs which in the minds of the Mexicans were inextricably connected with the machinations of Americans in the United States and with the laxness if not indeed the connivance of the American Government. Although the American settlers were treated at first with liberality, the memorial of the Spanish minister referred to above, the intrigues of the British representative in Mexico, "the errors and improprieties of the United States and its agents, aggressive utterances from the American press and platform, and the ill-timed, ill-fated Fredonian revolt in eastern Texas eventually brought down upon these settlers the intense suspicion of the formerly friendly Mexican authorities."[9]

Inevitably, then, the revolt of Texas in 1836, a series of events in the years between the declaration of independence of Texas of that year and its annexation by the United States in 1845, and that annexation in the face of Mexico's declaration that it would consider the act of annexation as tantamount to a declaration of war, confirmed the Mexicans in their belief that the whole course of events was just the working out of a long-planned conspiracy.

Before considering the Mexican War and its consequences, so fatal to our good name and fame in Latin America, it may be well to note one other point of contact with Latin America in this earlier era of so-called good feeling, which like so many

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[8] Rippey, *The United States and Mexico*, p. 7.
[9] *Ibid.*, p. 8.

other happenings assumed a significance and importance in the light of later events which it did not have at the time, and which indeed it could not rightfully be charged with. This point of contact was with Cuba.

Cuba was by far the most important possession left to Spain in the western hemisphere after the wars of independence were over. But it was a defeated, enfeebled, and discredited Spain that exercised control, and both France and England had shown a consuming desire to acquire this pearl of the Antilles. The United States could not view the transfer of this strategic island, commanding as it did the entrance to the Gulf of Mexico, from a feeble power like Spain to an imperialistic first-rate power like Great Britain or France. Neither, of course, and for more potent reasons, could Mexico. But whereas Mexico, while coveting the island for herself, preferred otherwise to see an independent Cuba free from Spanish misrule, the United States, also desiring Cuba for herself, nevertheless preferred to see it under the control of Spain rather than to have it independent and so more exposed to the possible machinations of England or France. This naturally appeared to so much of Latin America as knew about it as a singular and sinister combination of greed and heartlessness on the part of a nation supposed to be dedicated to the cause of independence and humanity.

As early as the spring of 1823, John Quincy Adams, Secretary of State under Monroe and President in 1825–1829, in giving instructions to the new United States minister at Madrid used the following language: "In looking forward to the probable course of events for the short period of half a century, it seems scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."[10] It can readily be seen how an official attitude of this sort combined with the various subsequent proposals to purchase the island, the famous Ostend Manifesto of 1854, the filibustering expeditions, the Mexican War, the doctrine of manifest destiny and all the rest of the factors tending to make the Latin Americans fearful and suspicious, should have made the Spanish-American War of 1898, which to most North

[10]Quoted in Latané, *The United States and Latin America*, pp. 86, 87.

Americans has been pictured as a war to end oppression, appear as just the final act in the imperialistic drama of acquisition of Latin American lands by the Colossus of the North.

But we are getting ahead of the story and must return to the Mexican War, which undoubtedly gave not only the first rude shock to Latin America as to the character of our relations with them, but continues to this day the unforgivable crime in the eyes not only of Mexico but of Latin America generally.

It will never be possible to secure any accord on the question as to who caused the Mexican War of 1846, any more than there will ever be any accord as to who caused the World War of 1914, for people will never agree on their definition of cause, even if all the objective facts were known and agreed upon. For our purpose it is quite unnecessary to go into that question, for we are concerned with the way in which matters looked, rightly or wrongly, to Mexico and the rest of Latin America. Only the high lights can be pointed out, but the background, and the shadows, and the tints, though less striking, are as much a part of the picture.

Here was an energetic, settled, prosperous, and ambitious country of 20,000,000 people declaring war upon a revolution-torn, backward, and impoverished people of a third that population, after having encouraged and aided a revolting province of more than a quarter of a million square miles to secure its independence, and after annexing that province in the face of a declaration by Mexico that such annexation would be regarded as an act of war. After a complete and humiliating defeat caused in large part by the very disorganization and anarchy fomented in Mexico by United States citizens if not by the Government itself, Mexico is compelled to sign a treaty yielding over a half million square miles of territory which the United States had long coveted and in which in truth American citizens had already exercised unlawful possession.

Lest timid souls be fearful that it be regarded un-American and unpatriotic to deplore the Mexican War in its origin, conduct, and consequences, let us listen to the opinion of two persons whose Americanism and patriotism will hardly be questioned by the most enthusiastic hundred percenter in this

country, whether Rotarian, member of the American Legion, Grand Dragon of the Ku Klux Klan, or Thompsonite. These two persons are Abraham Lincoln and Ulysses S. Grant.

Said Abraham Lincoln in Congress in 1847:

> If he (President Polk) cannot or will not do this (show that the soil was ours where the first blood of the war was shed) . . . I shall be fully convinced of what I more than suspect already . . . that he is deeply conscious of being in the wrong; that he feels the blood of this war, like the blood of Abel, is crying to Heaven against him; that originally having some strong motive . . . to involve the two countries in a war, and trusting to escape scrutiny by fixing the public gaze upon the exceeding brightness of military glory . . . he plunged into it and has swept on and on till, disappointed in his calculation of the ease with which Mexico might be subdued, he now finds himself he knows not where. How like the insane mumblings of a fever dream is the whole war part of his last message! At one time urging the national honor, the security of the future, the prevention of foreign interference, and even the good of Mexico herself as among the objects of the war at another telling us that to reject indemnity, by refusing to accept a cession of territory would be to abandon all our just demands and to wage the war bearing all its expenses without a purpose or definite object.[11]

And General Grant in denouncing it as an unholy war said, "For myself, I was bitterly opposed to the measure (the annexation of Texas) and to this day regard the war which resulted as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies, in not considering justice in their desire to acquire additional territory."[12]

But whether, as has freely been admitted by American historians and insistently claimed by Latin Americans, the Mexican War and its acquisitions were the result of imperialism, this much is certainly true, they were the cause of imperialism. Countless pages could be filled with quotations from newspapers, lectures, speeches in the halls of Congress, reports of diplomatic ministers and cabinet officers, showing how the outcome of the Mexican War made the eagle screech. Only a few can here be repeated by way of samples.

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[11]Quoted from Inman, *Problems in Pan Americanism*, pp. 144, 145.
[12]*Ibid.*, p. 143.

In all parts of the country, newspapers, especially the Democratic newspapers, argued for the manifest destiny of expansion, including the acquisition of "Cuba and all the islands on the main Gulf; . . . Canada and all north at the proper time; the re-assertion, vigorously and practically of the Monroe Doctrine in Central America and on the Isthmus both of Tehuantepec and Granada; . . . full expansion north, south, west, and moreover east . . .,"[13] and even the Whig *Commercial Advertiser* of New York in 1851 declared that although such an eventuality was desirable neither on the part of Mexico nor the United States, the annihilation of the former as an independent power and its annexation to the latter was inevitable.[14]

In Congress we find Douglas of Illinois while opposing the Clayton-Bulwer Treaty exclaiming that "you may make as many treaties as you please to fetter the limits of this giant republic, and she will burst them all from her and her course will be onward to a limit which I will not venture to prescribe. . . ." Weller, of California, two years later expressed similar thoughts in Congress when he stated as his firm belief that "our destiny is to cover this continent, and although the intrigues of foreign governments and the action of our own may *impede*, they cannot prevent its ultimate accomplishment." And three years later President Buchanan in a message to Congress declared that "It is, beyond question, the destiny of our race to spread themselves over the continent of North America, and this at no distant day . . . The tide of emigrants will then flow south, and nothing can eventually arrest its progress."[15]

This was the same Buchanan who in 1854 as minister to England had joined in the famous Ostend Manifesto to the effect that since Cuba was necessary to the safety of slavery in the southern states of the Union, Spain should sell the island to the United States; and that if Spain "dead to the voice of her own interest and actuated by a false sense of

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[13]Quoted from the *Democratic Review* of June, 1852, in Rippey, *The United States and Mexico*, p. 26.

[14]*Ibid.*, p. 47.

[15]These references are taken from Rippey, *The United States and Mexico*, p. 27.

honor should refuse to sell Cuba," then in the event that the internal peace of the Union was imperiled, "by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power."[16]

The tone of these pronouncements seemed to become more and more menacing as the period of the Civil War approached, northern and southern spokesmen sharing alike in the orgy of crystal gazing. Said Thayer, of Massachusetts, in the first session of the Thirty-fifth Congress in 1858: "Necessity knows no law. We must go somewhere . . . The bounding billows of the western tide of our immigration are dashing fiercely against the base of the Rocky Mountains . . . This progress must be onward and we *must* have territory . . . I have no doubt we will have Central America in this Government and all between this and Central America also," while Representative Cox, of Ohio, declared: "We have become a colossus on this continent, with a strength and stride that will and must be heeded. With our domestic policy as to local governments established, we can go and Americanize this continent and make it what providence intends it shall become."[17]

These bombastic threats, and only a few out of almost countless instances can here be included, constitute at the same time the Klieg lights under which, the scenery and background in front of which, and the plot around which the subsequent developments in the film drama of our relations with Latin America are inevitably viewed.

Among the actual events, as contrasted with mere words, spoken and written as shown above, during the half century that elapsed between the Mexican War and the Spanish-American War, which still further disturbed the peace of mind of Latin America, only a few can be singled out for mention.

So far as Mexico was concerned there was an almost uninterrupted succession of difficulties resulting from Indian raids, filibustering expeditions, boundary disputes, and claims for damages. Of course the difficulties and outrages were not

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[16]Quoted from James and Martin, *The Republics of Latin America*, p. 409.

[17]Rippey, *op. cit.*, p. 28.

all one one side of the line, but the very discrepancies in power between the two nations, and the outcome of the Mexican War made the complaints and demands of the United States seem like the charges of the wolf that the lamb, though drinking down stream from him, had muddied the waters. But Mexico was not the only region affected.

William Walker whose criminal expeditions into Mexico in 1853 and 1854 had not been prevented by the United States Government, sailed in 1855 from San Francisco with a filibustering expedition for Nicaragua, where he succeeded in gaining control of the Government, was elected President, and repealed the laws prohibiting slavery. Walker was financed by United States citizens, aided by recruits brought from the United States, the Government set up by him was recognized by President Pierce in 1856, and the Democratic National Convention of the same year expressed its sympathy with the efforts being made to "regenerate" Nicaragua.[18]

But it was not merely Walker's success that was ominous for Latin America. His overthrow was equally portentous, for that was due in large part to the financial support of agents of Cornelius Vanderbilt, then in control of the Transit Company which transported passengers and goods to California by way of the Lake Nicaragua route. This was just one of the many instances in which Latin American states saw their dignity, their governments, and even their independence regarded merely as pawns in the game of big business in the United States.

Moreover, during the Ten Years' War in Cuba, 1868–1878, American filibusters repeatedly departed from ports in the United States, and the Government did not stop them, whether, as was claimed by Spain, it would not, or as claimed by the United States, it could not. It may be surprising that interference by Americans in favor of Cuban independence should arouse fear and distrust in Latin America. But by this time Latin America had become accustomed to look for sinister motives in whatever the United States undertook with reference to her neighbors, and for that reason the Spanish-American War was even at the time regarded with widespread suspicion in Latin America. This suspicion was, as will be

[18] *Encyclopaedia Britannica*, "William Walker."

seen, confirmed and intensified by the events that grew out of the wars, just as had been the case in the Mexican War of fifty years before.

With the other countries of Latin America our direct contacts during this period were few but some of them tended to confirm the growing suspicions and distruct caused by what appeared to be instances of shirt sleeve diplomacy, dollar diplomacy, and imperialism of the manifest destiny type. Chile we alienated by a series of episodes such as the diplomatic pressure brought to bear against her in the War of the Pacific, the insistent promotion of the Alsop claim, and the humiliation imposed upon her in consequence of the Baltimore incident in 1891, all of which served to have us pilloried in the opinion of Chileans as a grasping, heartless bully. Argentina still cherished resentment over our attitude towards her claims in the Malvinas Islands, now called the Falkland Islands, and our action in regard to the *Water Witch* on the Paraguay River. Even Brazil, whose relations with us and attitude towards us have been on the whole much the most favorable of all Latin American states, had to feel the weight of our displeasure in connection with the opening of the Amazon River to international shipping, in connection with her recognition of the Empire of Maximilian in Mexico, and in connection with the privileges accorded to certain Confederate cruisers during the Civil War.

It cannot be repeated too often that in considering the effect of diplomatic protest, claims for damages, demands for apologies, and all other threats of coercion, it makes all the difference in the world whether the threat proceeds from the wolf to the lamb or from the lamb to the wolf. And that is true wholly without respect to the justice or propriety of the claim, protest, or threat.

During the interval under consideration, namely, the fifty years from the Mexican War to the Spanish-American War, two major events occurred to which we always point with a pardonable glow of righteous pride and which one would suppose should have reëstablished us in the good graces of Latin America. These were our intervention to overthrow the empire of Maximilian in Mexico in 1867, and to compel arbitration between Great Britain and Venezuela of the boundary dispute in 1895. Both of these incidents, however, were based

on the alleged applicability of the Monroe Doctrine, the real basis for which was not protection of Latin American countries but protection of our own security. Moreover, we had very real interests of our own involved, especially in the case of Mexico, which robbed our action of the cloak of altruism, and the very Monroe Doctrine itself had become to Latin American hypocritical cover for the acquisition of territory by ourselves, since the events of the Mexican War.

This brings us to the Spanish-American War of 1898 and its consequences. Another rude surprise will be experienced by most United States citizens when they learn that this war, considered by most North Americans as evidence of altruism and idealism, has simply added fuel to the flame of distrust that burns in Latin America against us. Something of this spirit can be understood when we remember how those of our own citizenship who were descended from British ancestry felt that the cause of Great Britain against Germany was from the first of the Great War their cause also. Spain, for all her three centuries of colonial oppression, was still the mother country for all of Spanish America, especially when arrayed against their uncomfortable Anglo-Saxon neighbor.

When the outcome of the war left the United States in possession of the Philippines, Cuba, and Porto Rico, these Spanish-American countries could see nothing but a renewed imperialism breaking forth in virulent form, and the protestations of our Government that we did not desire these ceded regions as permanent additions to our territories failed to carry conviction to Latin American ears. And when now, thirty years later, Porto Rico is still a subject territory, the Philippines apparently as far as ever removed from independence, and Cuba, after being twice occupied by military forces of the United States and dominated very largely by American sugar and tobacco interests, still is forbidden by the Platt Amendment to her constitution, forced upon her by the United States Government in 1901, to manage her own affairs as regards finances, foreign relations, United States naval and coaling stations, and internal order, it can be readily understood that Latin America has not felt obliged to alter her views on these points.

Hardly had the Spanish-American War with its inevitable jingoism and imperialism passed into history, when Latin

America was alarmed anew by the succession to the presidency of Theodore Roosevelt, hero of that war and apostle of the strenuous life. What a fortunate military hero in the chief executive office can do to disturb neighboring nations can of course be read on every page of history, and Andrew Jackson was, for Latin America, a case in point. Now came the Colonel of the Rough Riders, hero of San Juan Hill, predestined wielder of the big stick.

Nor did Latin America have to wait long for what looked like a confirmation of their worst fears. As the chapters in that story are sufficiently recent to be familiar to all, a partial summary will have to suffice for the purposes of this discussion.

First may be mentioned the Panama episode. President Roosevelt, committed to the Panama route for the proposed inter-oceanic canal, had carried on long drawn out and unsuccessful negotiations with Colombia, whose senate finally rejected a projected treaty on August 12, 1903. On November 3, 1903, a revolution broke out in Panama against Colombia. Three days later President Roosevelt recognized the revolutionary Government, and within less than two weeks a treaty was signed with Panama giving the United States the rights which Colombia had refused. There was no doubt in the minds of all Latin America that the Panama revolt was instigated by President Roosevelt to enable him to carry out his canal plans, and all appearances fully justified that view.

When in 1901 Great Britain, Germany, and Italy instituted a blockade of Venezuelan ports for the purpose of forcing the payment of debts and claims, President Roosevelt intervened and compelled arbitration. But a similar situation was likely to arise in Santo Domingo. So in his annual message of 1904 President Roosevelt said to the Congress:

> Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrong doing, or an impotence which results in a general loosening of the ties of civilized society, may in America as elsewhere, ultimately require intervention by some civilized nation, and in the western hemisphere the adherence of the United States to the Monroe Doctrine

> may force the United States, however reluctantly, in flagrant cases of such wrong doing or impotence, to the exercise of an international police power.[19]

Here we have a new extension of the Monroe Doctrine, the doctrine of the big stick, which has dominated our relations with Mexico and the Caribbean countries ever since that time.

In the very next year President Roosevelt took over the administration of the finances of the Dominican Republic, in spite of the refusal of the Senate to ratify the protocol embodying the plan, and that was the beginning of the period of direct control exercised over the countries of the Caribbean which was continued by Taft, Wilson, Harding, and Coolidge. That is one of the considerations that prompts Blanco-Fombona to say that it is not Wilson, or Taft, nor the ridiculous Roosevelt, not any President, not the Republicans nor the Democrats, not any party present or future that is the enemy of America, but that the traditional enemy present and future of America is the Republic of the United States.[20]

In 1907 followed the formal treaty, imposed like the protocol of 1905 upon Santo Domingo, but this time ratified by our Senate, which gave the United States the right for fifty years to collect the customs toward the payment of the foreign debt. This debt, after being scaled down more than 50 per cent, was taken over by the United States, who since then has been the mortgagee of Santo Domingo.

Taft continued this policy of Roosevelt's and tried to extend it to Nicaragua and Honduras. He insured the success of the revolutionary movement in 1909 against Zelaya, that chronic disturber of peace in Central America. President Taft had Secretary Knox negotiate two treaties with Honduras and Nicaragua similar to the 1907 treaty with Santo Domingo, taking over their customs and making the receipts responsible for loans to be made by American bankers. The arrangement with Nicaragua was put into effect at once, and loans were made by American bankers, but the Senate rejected the treaties. The United States Government nevertheless intervened to put down a revolutionary movement in Nicaragua

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[19]Quoted in Latané, *The United States and Latin America*, p. 278.
[20]Quoted in Inman, *Problems in Pan Americanism*, p. 328.

in 1911, and beginning in 1912 established the legation guard at Managua and a war ship at Corinto which have remained down to the beginning of the most recent troubles. Nicaragua, therefore, ceased to be an independent country under President Taft.

President Wilson, though a Democrat and presumably less likely to engage in imperialistic activities, countenanced the most serious attacks upon Latin American sovereignty that had occurred up to that time since the Mexican War. A bare enumeration will have to suffice, but it will show why Wilson has been added to the long list of names of North Americans which are anathema to many Latin Americans.

Hardly had Wilson been inaugurated when Bryan submitted to the Senate a treaty with Nicaragua in the same terms as the earlier proposal under Knox, giving the United States an exclusive right-of-way for a canal, a naval base on the Gulf of Fonseca, and a ninety-nine year lease on the Great Corn and Little Corn Islands in the Caribbean. For all this the United States was to pay Nicaragua the sum of $3,000,000, to be used in paying American bankers, who had assumed the Nicaraguan obligations in part and who were to direct the collection of customs, the control of the national bank, and the management of the national railway. But Bryan added to this certain features of the Platt Amendment which had made a protectorate of Cuba.

This treaty was violently opposed by Costa Rica, Honduras, and Salvador as destroying the sovereignty of Nicaragua, blasting the hope of a Central American union, and interfering with their own rights. Costa Rica claimed rights in the San Juan River, part of the proposed canal route, and Honduras and Salvador claimed rights in the Gulf of Fonseca, upon which they as well as Nicaragua abutted. In spite of these protests the Wilson administration pushed the treaty through, although the Senate itself insisted on elimination of the Platt Amendment feature before ratifying it in 1916.

The climax to this drama of ruthless dollar diplomacy, as it appeared to Latin America, came in the next year when the Central American Court of Justice, imposed upon the Central American countries by our Government at the Washington Conference of 1917, held that the treaty of 1916 violated the rights of Salvador as well as of Costa Rica. Nicaragua

ignored the decision of the court, and the United States, sponsor of the much-heralded advance, gave it the death blow by supporting Nicaragua in its defiance.

It was in pursuance of orders issued by President Wilson that Admiral Caperton landed marines in Haiti and took forcible control of that country in the summer of 1916, followed in November of the same year by the military occupation by Captain Knapp of the rest of the island of Santo Domingo controlled by the Dominican Republic. At the cannon's mouth puppet representatives of both countries were compelled to sign on the dotted line giving the United States complete control over the governments.

So far then, Cuba, Nicaragua, Haiti, and the Dominion Republic had lost their sovereignty, and Panama had never had it. There is neither space nor need of dwelling on the provocations that prompted these actions, whether or not sufficient in international law or morality, nor is it pertinent to our inquiry to examine the claims that all these countries have prospered greatly as compared with the status that would have been theirs had the United States not intervened. We are simply trying to understand why our country is so roundly hated and feared in Latin America. The sequence of events set out above is explanation enough. No amount of justification can ever wipe those bald and inescapable facts out of the vision of Latin America.

Next came Mexico's turn, and here Wilson was treading new and dangerous ways. In refusing to recognize the *de facto* government of Victoriano Huerta because he did not like the way Huerta came into power, Wilson laid himself open to three serious charges. First, his action was clearly contrary to international law, which demanded merely that a government have substantial control in fact to be given *de facto* recognition, without regard to the origin of its power. Second, he was chargeable with hypocrisy, since not only were some of the other governments he had recognized based on force and violence but in Nicaragua, at any rate, he was supporting with United States Marines a government which had come into power in that manner. Moreover, he seemed to ignore the fact that the first American Government itself, the Continental Congress of 1776, was set up by revolution and

bloodshed. Third, it was again the idealism of the wolf who complained to the lamb about the muddying of the waters.

The ill-starred landing of Marines at Vera Cruz in 1914 and the equally futile punitive expedition of Pershing to get Villa dead or alive in 1916 had all the unfortunate consequences of a called bluff. In resorting to the show of force Wilson laid himself open to all the charges of war and violence, and in backing down without accomplishing his purpose he exposed himself to the stigma of lack of nerve. Curiously enough, the one manifestation was about as strongly calculated to increase Latin American animosity as the other.

Then came the World War, with the attempt of our Government to dominate this hemisphere, first, by insisting on the preservation of neutrality all round, then, by using all possible pressure to compel the Latin American countries to come in after we entered the war. It was no mere accident that Brazil, Cuba, Panama, and the Central American countries with the exception of Salvador followed our declaration by a similar declaration. Brazil took the step out of traditional friendship for the United States, not to mention the fact that virtually her entire exports went to this country. The other countries mentioned had no choice, in view of the position of the United States in the Caribbean. Haiti declared war and the Dominican Republic severed diplomatic relations. The latter step was taken also by Peru, Uruguay, Bolivia, and Ecuador.

But Colombia, Venezuela, Argentina, Chile, and Mexico remained neutral, even after the entry of the United States. This was not due primarily to German propaganda but to the fact that all these countries were thoroughly aroused against the United States and refused for that reason to be bulldozed into taking hostile action. But while these nations held back, those who joined in the war to make the world safe for democracy and enthusiastically adhered to the League of Nations Covenant felt that the United States let them down by not joining. So again we got it coming and going.

As if to prove that the Democrats were not to be permitted to outdo the Republicans in dollar diplomacy, the Harding administration in 1921 refused to recognize Obregón until he surrendered in advance certain vital points in dispute between

the two countries. This Obregón could not do without sacrificing the very national support without which he could not hope to maintain himself. So here again for three years we played the rôle of a stern providence regulating Mexican national affairs only to back down and yield after having thoroughly alienated the sentiment in the rest of Latin America.

Into the details of our difficulties with Mexico we cannot go. But it should be sufficient to point out the clamor for intervention and the big stick in Mexico has come largely from the Doheny-Sinclair crowd. When we see what they got away with in this country with the help of Fall, one of the leading soloists of the song of hate toward Mexico, it takes but little imagination to picture what in the minds of Latin Americans is the basis of these sacred property rights for which those interests would have the United States make war upon a defenseless neighbor. As long as the voices of such men as these are articulate in our counsels concerning Latin America, it is idle to hope that a radical change can occur in the way Pedro looks at Uncle Sam.

How even the most laudable purposes can appear sinister to jaundiced eyes when set about in tactless and compelling fashion is well illustrated by our recent experience with the mediation in the Tacna-Arica dispute between Chile and Peru. When President Harding, through Secretary Hughes, in 1922 invited Chile and Peru to submit this standing dispute to the mediation of the United States, it looked like a long step in the direction of promoting friendly inter-American relations. But when it appeared that pressure had to be brought to bear on Chile to accept the American decision that a plebiscite be held, when an American army general was appointed to carry it out, and when finally the decision was reached that after all such a plebiscite could not be held, we had again succeeded in alienating completely not only Chile but her Latin American friends as well. Even Peru, sympathetic as has been our attitude toward her, was offended by some of the findings of the mediator and disappointed at the failure of the movement.

Similarly, the benefits of the Conference on Central American Affairs in December, 1922, a movement fraught with the

promise of real good, were considerably obscured by the feeling that the recent attempt at Central American Federation, sponsored by Salvador in 1921, had failed because of the opposition of the United States State Department to jeopardizing our rights under the Bryan-Chamorro Treaty of 1916 already referred to. Moreover, the recollection that the most significant achievement of the Washington Conference of Central American states called by the United States Government in 1907, namely, the Central American Court of Justice, had been overthrown by the refusal of the United States to abide by its decision was present like a Banquo's ghost at this love feast.

This difficulty of our position in Latin Americans' good opinion is likewise illustrated in the recent matter of the treaty agreeing to pay Colombia $25,000,000 for her rights in Panama. Not only were we severely criticized because the treaty was held up in the Senate from 1914 to 1921, but when it was finally ratified the indignation chorus rose to shouts that not only did the promise to pay this money constitute an acknowledgment of guilt in the Panama independence episode, but that the attempt to wipe out the wrong with a paltry money payment by the multi-billionaire Uncle Sam was simply adding insult to injury.

As regards the most recent instances of forcing Panama to accede to the terms of a treaty still further mocking her sovereignty, and of invading Nicaragua for the purpose of enforcing the views of the United States as to who should be President there, a renewed outburst of indignation has occurred, as might have been expected. It is no answer to say that no attention need be paid to these outbursts because the acts complained of constitute no new departure in our dealings with the Caribbean countries but are simply logical steps in the carrying out of a policy which we have pursued consistently since the turn of the twentieth century. A youngster does not resent a licking the less for knowing that many lickings have preceded the one in operation and that presumably many more will follow in the natural course of events.

And so we reach the year 1928 and the occasion of the Sixth International Conference of American States at Havana, with the same fears and suspicions prevalent in Latin America

as heretofore, and with the United States, in spite of its most fervent assertions of non-imperialism and inter-American fraternity, wearing to Latin America the hateful visage of the cat that has eaten the canary.

And so we ask the question which every American citizen must in honesty and bounden duty face: What can we and what should we do about it all?

CLASSICAL THEORY OF INTERNATIONAL TRADE

BY C. R. FAY

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There is no material difference between domestic and foreign trade. Inside a large, ill-connected country trade between one part and another is more difficult than between two separate well-connected countries: in that case it is operated under the physical conditions which more frequently characterize the trade between independent countries. But every independent country has its own tariff, its own currency, its own system of taxation, its own policy of emigration or immigration and of provision for social needs. And these attributes of sovereignty affect values as between one country and another.

By making certain rigid assumptions David Ricardo and his successors down to the late Alfred Marshall brought new light to the value problem inherent in foreign trade. And the distinction they drew involved the difficult idea of comparative cost. This idea is implicit in domestic values, but it is not stressed there because theorists are more concerned to show how under conditions of competition there is a quick transfer of capital and labor from one employment or place to another. In modern language this transfer takes place "at the margin." Given this ready transfer, then it is permissible to assume that if two articles sell for $1,000 each, this $1,000 represents the same real cost in labor and capital in either case. But if there is not this ready transfer, then there is no single margin at which real and money costs are equated. All that can be said is that international values are governed by comparative costs of production, taken in conjunction with comparative volume of demand.

Marshall in Appendix H of his *Money, Credit and Commerce* illustrates the difference. He shows that by making different hypotheses as to comparative intensity of demand, taken in conjunction with comparative facilities of supply, the level of values may be set in different ways—by commodity L which costs 10 units of effort in country A and only 9 in country B,

or by commodity B which costs 10 units of effort in country A and as much as 11 in country B—and so on. It all depends on the hypothetical state of the relative demand for the commodities of each by the other. But if the conditions had been those of domestic trade, these hypotheses would be foolish. The only stable equilibrium there would be one in which commodity Y, which costs 10 units of effort in country A and 10 units of effort in country B, sets the level of value. Any other equilibrium would be momentary and would be corrected by the flow of capital and labor from the relatively underpaid to the relatively overpaid commodity. This is Marshall's rendering of the classical passage in Ricardo's *Principles of Political Economy*, Section 47. "The labor of 100 Englishmen cannot be given for that of 80 Englishmen, but the produce of the labor of 100 Englishmen may be given for the produce of the labor of 80 Portuguese, 60 Russians, or 120 East Indians." This analysis rests not merely on the recognition of national boundaries but on the assumption that these impose on labor and capital restrictions so serious as to constitute practical immobility. Let us then examine his assumption of immobility as it relates (a) to capital and (b) to labor. For clearly, if it is far away from reality, then the theory based on it has a fanciful value only. It may illustrate splendidly a situation in theory, but the causes underlying the trade between nations are not explained.

Ricardo assumes the immobility of capital and labor in international trade. But it is a remarkable fact that he nowhere specifies immobility of labor. He refers only to capital and he rests his case for the mobility of labor within a country on the mobility of capital within a country. For the sentence first quoted "the labor of 100 Englishmen . . . 120 East Indians" is followed by this: "The difference in this respect, between a single country and many, is easily accounted for, by considering the difficulty with which capital moves from one country to another, to seek a more profitable employment, and the activity with which it invariably passes from one province to another in the same country," and he concludes the section with the emotional touch which his champions have so often held up as proof of his humanity: "These feelings, which I should be sorry to see weakened, induce most men of property

to be satisfied with a low rate of profits in their own country, rather than seek a more advantageous employment for their wealth in foreign countries."

Marshall *(Money, Credit and Commerce,* p. 3) endeavors to repair this logical flaw by adverting to a famous passage from the *Wealth of Nations* which probably Ricardo had in mind. Adam Smith had written, "After all that has been said of the levity and inconstancy of human nature, it appears evident from experience that a man is of all sorts of luggage the most difficult to be transported. If the laboring poor, therefore, can maintain their families in those parts of the Kingdom where the price of labor is lowest, they must be in affluence where it is highest." (Ed. Cannon, I:77.) Marshall stops at the word "transported." But, as always in Adam Smith, the context is important. This stricture on human sluggishness occurs in a discussion of wage differences, not between one country and another, but between a great town and the adjacent country side. And he contrasts the sluggishness of men with the mobility of commodities "not only from one parish to another, but from one end of the Kingdom, almost from one end of the world to another." *(Ibid.,* I:77.) In brief he contrasts the immobility of labor with the world mobility of goods, which are capital.

If capital is in fact highly mobile between one country and another, this is surely important to theory. So far as I know Adam Smith does not employ the phrase "mobility of capital," but does stress very strongly the mobility of the capitalist, of that merchant capitalist who "is not necessarily the citizen of any particular country. It is in a great measure indifferent to him from what place he carries on his trade; and a very trifling disgust will make him remove his capital, and together with it all the industry which it supports from one country to another." (I:393.)

Adam Smith never took fictitious examples: he wrote his theory from history. It was the international status of capital which impressed him when writing in 1776; and the burden of proof rests with those who pretend that, though capital may be mobile in this twentieth century, it was not so a hundred years ago. And was not Ricardo himself a testimony to the contrary? What was the history of Ricardo's own family?

They were Crypto-Jews of the Iberian Peninsula, who had nested in turn in Leghorn, Amsterdam and London, following security and the rate of profit. Ricardo had made a fortune on the London Stock Exchange in the hectic years of the great French war and in 1814, the year of Napoleon's downfall, he retired to the beautiful seclusion of Gatcomb Park on the edge of the Cotswold hills. He proved by his life what Adam Smith wrote in his book, "The capital that is acquired to any country by commerce and manufactures is all of it a very precarious and uncertain possession till some part of it has been secured and realized in the cultivation and improvement of its lands." (I:393). And reviewing the history of capital investment in the long century of peace (1815–1914), may we not agree that along certain channels capital was international to excess? The South Seas had always been a lure. From the Mexican mining ventures of the 1820's to the Rand gold and rubber booms preceding the late war, Britain has flirted with foreign investment. Perhaps the flirtation was so fond that the average return realized on foreign was less than that on home investment.

If then we part with immobility of capital as distinctive of foreign trade, because it does not conform to the historical facts, what about immobility of labor? Here another class of considerations enters in. Labor has far greater opportunities for mobility today than it had in Ricardo's day, but in part because of this fact social and national policy builds up protective barriers against the operation of it to excess. Within a country it is the purpose of trade union policy to regulate the movement of labor from trade to trade. Complete freedom of entry signifies to the trade unionist the open shop, in which labor is a fluid, pumped in or out at the employer's dictation. Between countries it is the purpose of nations with a high standard of material well-being to prevent that standard from being undermined by the unrestricted entry of foreign labor. The regulation of mobility in both cases is deliberately sought. Labor today is only partly mobile between trade and trade, but probably rather more mobile than a century ago; it is distinctly less mobile between country and country than it was, say, in 1900, but more mobile for other reasons than it was in 1800. In any event on this uncertainty it is precarious to rest a distinctive theory of foreign trade.

Adam Smith did not involve himself in this difficulty. Writing at a time when England, already a great colonial trader, was fast developing her national industries and selling their products to all the world, he treated domestic and foreign trade as complementary parts of economic endeavor; and drew his distinction between natural growth and artificial growth. Natural growth was from within outwards, after the fashion indicated by the American colonies in whose future he was so deeply interested. Artificial growth was the course which Great Britain had followed under the influence of mercantile doctrine; and this he desired to see replaced by a system that is more natural and free. This is the sense in which he was the father of free trade.

But if we revert to Adam Smith's method of treatment, do we abandon as useless Ricardo's great Chapter VII on "Foreign Trade"? I would say, "No." It still remains true that in this chapter we have one classical statement of the rôle of money in international trade; and I would urge that this is the valuable part of his theory, and that it does not depend on immobility of labor and capital. How gold and silver "accommodate themselves to the natural traffic which would take place if no such metals existed," (Section 48) and how they do this in the presence of the fact that "every transaction in commerce is an independent transaction" (Section 49) Ricardo has shown for all time. "It is thus that the money of each country is apportioned to it in such quantities only as may be necessary to regulate a profitable trade in barter." (Section 49, conclusion.)

In this monetary analysis a conflict of opinions develops between himself and Adam Smith in relation to the following difficult point. Adam Smith held that "gold and silver, as they are naturally of the *greatest* value among the *richest*, so they are naturally of the *least* value among the *poorest* nations." (I:190). He was thinking of what happened when the Spanish conquerors descended on the gold countries of Central America. Lustful for gold, they fell upon the ample supply which they found there with a rage which "astonished the natives." (I:175.) But Ricardo, when comparing rich industrial England with poor agricultural Poland argued that gold "would naturally be of greater exhangeable value in Poland

than in England." (Section 52.) He ascribes the higher gold values, i.e., the lower prices, of Poland to the rude state of its industries and the great expense of conveying gold thither.

I venture to query the validity of Ricardo's point. Certainly the local produce of Poland, its grains and cattle, would naturally be cheaper, i.e., have a greater gold value, than in England. But by the same reasoning luxuries and manufactured products would naturally be dearer, i.e., have a lower gold value. And, although Poland was not a producing country, yet gold would be cheaper to ship to Poland than delicate manufactured goods.

In any event, the difference between Adam Smith and Ricardo is not so absolute as it looks. Ricardo's was the short period dialectical view, Adam Smith's the long period historical view. Adam Smith saw in the history of gold the vain pageant of the ages. The yellow metal streamed across the world from its home in the mines of America, picking up value as it went, and leaving bloodshed and hatred in its train. Europe in its folly hoarded these metals, particularly Portugal and Spain. Great Britain tried to conjure them to her by attention to that "Favorable Balance of Trade" of which Adam Smith was so contemptuous. This made gold in Europe less valuable in terms of other things than it otherwise would have been. Let it flow on, he says, on to the East, where it is urgently desired by the folly of man for burying in the ground or adorning the temples of Eastern gods. "Lord, what fools these mortals be!" (We can almost hear him chuckle.) We talk today of a "yellow" peril, meaning thereby the threat of Asiatic labor. We may one day be faced with another kind of "yellow" peril, if Asia wakes up to the economics of Adam Smith and Ricardo and sends back its useless hoards of gold to be exchanged for the real values of western civilization. Should we patiently suffer it, or should we do that which is almost a blasphemy to contemplate, impose a thumping tariff on the monster?

THE SITUATION AMERICA CONFRONTS IN CHINA

BY S. GALE LOWRIE

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The development of America has been traditionally toward the west. The settlements of the trans-Appalachian regions, the Mississippi valley, and the vast expanse to the Pacific have marked successive stages in the growth of the great American Commonwealth. A generation ago the western movement crossed the Pacific, and the American flag was raised in Hawaii and in the Philippines. The years which have intervened since the Spanish War have left us in possession of Far Eastern territory. It has been a period of great activity in the Pacific area which commercially, industrially, and politically has become a leading theater of world events. When America first entered the Orient, Great Britain, Russia, Germany, and France were firmly established. The American doctrine of the open-door was vital to our interests, because it was the only policy which could avoid a partition of the trans-Pacific territory to the practical exclusion of our commerce. Now, however, our position has grown until the Eastern Asiatic interests of the nations, excluding China, would probably rank America first, Japan second, Great Britain third, Russia fourth, France fifth, and Germany sixth.

The significance of the Pacific area has been appreciated by men of vision in the past. Just as Jefferson saw the importance of the Mississippi valley to the young nation along the Atlantic seaboard, so William H. Seward, who as Secretary of State under Lincoln reached a position entitling him to rank among our greatest statesmen, referred to the Pacific as "the great theater of the world's hereafter." Nearly a quarter of a century ago Theodore Roosevelt wrote, "I believe our future history will be more determined by our position on the Pacific facing China, than by our position on the Atlantic facing Europe." With the opinions of these earlier statesmen we may place the assertion of one of the greatest of our own time, General Right Honorable J. C. Smuts, of South Africa,

who expressed the belief that the great international events of the next half-century would center around this great ocean.

The central factor in the Far East is China. Here is a nation with a philosophy, a culture, a civilization, a language, and a literature which few of the Occident understand. The "Golden Age" was contemporary with the time of Abraham, the establishment of the thirty-six provinces, with Alexander the Great, and the system of civil service examinations, which continued through the reign of the Manchu dynasty, began at the time of the Punic wars. In the thirteenth century Marco Polo, a Venetian merchant, spent twenty years in the court of the great Chinese Emperor, Kublai Khan. Politically and commercially China was then in her glory. Had the West established permanent contact with the East in such a period the history of the intercourse of these civilizations would have been a different story. But dynasties have come and gone in China, and in the closing days of the eighteenth and in the beginnings of the nineteenth century the western world in search of markets for their goods, raw materials for their industries, and investments for their capital, encountered a China not in the zenith but in the nadir of her glory. The result has been, throughout these years of intercourse, that the Orientals have not been in a position to protect their rights by military strength or by diplomacy. In commerce, in finance, and perhaps in religion, their institutions have given way before the greater vigor of the invading foreigner. Lack of understanding of western customs and internal disunity have prevented their developing an effective resistance to these encroachments. But in recent years a renaissance has been in process. Nationalistic feelings, unknown before, have been aroused. These are forcing a re-arrangement of the institutions which have developed in the foreign intercourse of the Chinese. They have brought about the crisis of today in America's position in the Far East.

Critics of American diplomacy have frequently asserted that our foreign policy has been unstable and hesitant. This is not true of our attitude toward China herself nor toward the Great Powers respecting China. We have at times vacillated in detail, but our general course has held fairly steadfastly toward a rather definite goal. This has been for an open door of equal opportunity for all nation within this

country, but even more, for a strong, self-reliant nation to guard her own rights and guarantee equal privileges to all. As one of our leading students has expressed it, we have wanted not merely an open door, but a China strong enough herself to be the doorkeeper. The present crisis is in a large measure the natural response to these efforts. Without a developed nationalistic sense, without political and economic unity, without a government strongly entrenched in power or resting on the support of an intelligent and approving electorate, no such nation as we have envisaged can exist. But the process of change from the China of the past, rich in culture, in philosophy and in the arts, and with a noble history, to the China of the future, unified in government, in commerce and industry, educated and mastering modern science for the comfort, convenience, and use of her people, is necessarily slow. But this is the real problem of China. The demands now being pressed upon the Powers—abolishing the unequal treaties, granting tariff autonomy, retroceding the concessions, subjecting foreigners to laws of the local courts—do not reach the heart of the question. If all were granted, the difficulty would not be solved. In the main, these limitations but recognize the facts of China's present condition—facts which would remain even though official cognizance of them should be withdrawn. This is why the China situation is a problem, not a mere program of reform.

The Chinese Nationalists are working for a country unified to a degree which has never as yet existed, not even in the glorious days of Kublai Khan. China under the Empire was extremely decentralized, politically and economically. The principal unit of government was the village. Village government rested upon that chief unit of Chinese social life, the family. The village was ruled by the family elders. Cities indeed existed, but were in the main but clusters of villages. The eighteen provinces of China proper were ruled by governors appointed by the court at Peking. So were the outlying regions. These governors were aliens to the provinces, as a rule, but the bonds of the central government rested lightly upon them. If order were maintained and if the tribute or provincial taxes continued to pour in, there was little cause for the Peking Ministry to complain or interfere. Within the provinces were prefectural governments under lieutenant

governors who functioned in a manner similar in its detachment. Moreover, from 1644 to 1912 the government was in the hands of the usurping Manchus whom the Chinese regarded with an even greater measure of irresponsibility than they might have felt toward those of their own race. And, as we have said, throughout the whole period of intimate contact with the West this dynasty was in a decadent state.

Looking back upon the years since the period of the early Canton trade, we see the formation of the institutions of foreign intercourse which the Chinese people now seek to reform. They take their roots in the wide divergence of viewpoints held by the natives on the one hand and the foreigner on the other. The Peking government felt that the method of conducting the Canton trade was primarily of local concern, and it was not until armed forces, first at Canton (the Opium War in 1840–42) and later at their very doors (the war with Great Britain and France, 1858–60) demanded imperial sanction to trade and settlement that these early treaties were reluctantly signed. The foreign concessions followed a precedent the Chinese had established with the Hindus and Arabs at Canton in the fourth century; the extraterritorial legal provisions were known to the Chinese through their treaty with Russia in the seventeenth century and by Europeans and Americans in the Turkish capitulations; the 5 per cent tariff agreements were new to the Chinese but quite in line with the customary tariffs of Europe at that time, especially those with Far Eastern peoples. It was desire for the profits of trade with the East rather than for territorial expansion which gave birth to these agreements. They were *modi vivendi* essential for this commercial intercourse—unilateral in a sense but not at the time unfair to China, nor humiliating to her except that they disregarded her most earnest desire to be let alone. For the subsequent demands placed upon her, the concessions of territory, the punitive indemnities and the commercial monopolies, less can be said. They were urged by imperialistic motives and held little respect for the rights and feelings of the Chinese, but in the main these were inspired even more by a fear of what rival nations might wring from a weak government than by the desire for these advantages in themselves.

But humiliating as these provisions were, they did not cause the feelings of national resentment to surge nor bring the indignation manifest in our own day. The reason for this was the undeveloped sense of nationalism. Just as Peking regarded the fracas at Canton in 1840 as essentially of local concern, until it was brought to their very door twenty years later, much more so did the people of the interior. Even the disastrous war with Japan humiliated only the regions immediately concerned. The people of the south and west regarded it with a detachment which even the pacifists of our day can scarcely hope to emulate. China herself did not feel as though defeat had been her lot in 1894–95 nor in the Boxer troubles of 1900, because the sense of national solidarity necessary for such a viewpoint did not exist.

The overthrow of the Manchu dynasty and the establishment of the republic did not create a national consciousness nor give a political unity to the country. In fact it indirectly set up forces of disintegration in the institution of the tuchuns, stronger than those of imperial days. The reforms of 1912 were at the top alone. Within the provinces the same decentralized modes of life persist. It has been decentralized in government, decentralized in industry and commerce, decentralized in thought. In attempting to set up a republic upon foundations ill-prepared for it by their political history, the Chinese did indeed escape their Pharaohs only to commence a forty years of wandering in the wilderness e'er the promised land of representative government is reached.

Two dominating factors appear in the pictures of China today although they are not interdependent. The one is the growth of Chinese nationalism and the second is the institution of the tuchuns. Both are new to Chinese experience. The latter takes its rise from the time of Yuan Shih-kai. To the provincial governor, of whom mention has been made, Yuan added a military governor as a colleague who, through his control of the army, came before long to dominate the province. Later the more powerful, he reached over neighboring provinces, and the appointment from Peking of super-tuchun, or "Inspector General" of the larger area, or "Generalissimo," merely gave official recognition to established facts. Within their domains the tuchuns came to control the revenues, to be the government. They have not been controlled by the Peking

Government, but the capital has fallen under the domination of first one and then another of these rulers who through force of arms, or by bribery, has established his short-lived régime. The voice of the government has been then merely that of the tuchun temporarily in command. Its influence is just that of the war lord who for the time controls it. Yet it is to the Peking Government, openly defied by the Chinese south of the Yangtze as well as by large areas in the north, to which the foreign diplomats are accredited. Here are the legation quarters, here the legation guards, and around Peking centers a series of special concessions wrested by the Powers from the Chinese at the conclusion of the Boxer disturbances. Since the revolution the Powers have hesitated to recognize a government which would not speak for the whole of China. They delayed recognition of the republic. They never conceded that the government of Dr. Sun in the south spoke for the nation. Nevertheless, contact has been maintained at Peking, partly because of tradition and partly because no other alternative than complete withdrawal presented itself, although Peking has become the traditional rather than the actual capital of China.

It is the internal disorder of China rather than the stubbornness of the Powers which results in the continuance of the abuses against which the Chinese complain most bitterly. The latest action against which the Orientals have protested has been the dispatch of armed forces to the East. Naval vessels in her coastal waters and on the Yangtze have been increased in number and more troops have landed on her shores. While these have usually been legalized under color of the unilateral treaties, the Chinese have complained rather bitterly of this policy. Yet so far as America is concerned, the whole purpose of our Government has been protection of our citizens and their property who have become established in China under treaty right and rights of long prescription. Disorders in China were prevalent long before the foreigner came into contact with the natives. Pirates infested the coast and inland waters and hunghutzes, or bandits, preyed upon the villagers, but it is in the wake of the institution of the tuchuns that the disorderly elements have gotten completely out of hand. The tuchuns have had to recruit large forces—estimates of the number of men under arms in China reach as

high as 3,000,000. It is safe to say that the true number is well over 2,000,000. These men have been drawn from their usual occupations and sometimes transported thousands of miles to alien provinces. Their only means of livelihood is employment in the army. If, by chance, they become separated from an organized military command, with their arms and a rude military organization, they quarter themselves on villages and become bandits. Even within the organized army of a war lord there is little to differentiate their position. With pay far in arrears, and often neglected by a chief with far more pressing demands upon him than the care of his erstwhile recruits, they too become demoralized and depend on the country upon which they are quartered for sustenance. It is often more practical to recruit new companies than to try and rebuild an army upon the structure of these older undisciplined and demoralized forces. It is for protection against such irresponsible marauders rather than for use against legitimate troops of a responsible government that the foreigners have augmented their strength in China and are doing for themselves what China has been too weak to do for them, namely, to protect their citizens and their property engaged in legitimate activities on Chinese soil.

But the dominant factor in the Chinese situation today is nationalism. It is this movement of tremendous force which is rousing the Chinese and providing a cohesive factor unknown before and which is making the problem of our relation to the Orient not merely one of perplexity but of increasing urgency as well. It had its birth in the revolution movement of Dr. Sun Yat-sen against the Manchu dynasty. The first fruits of this rebellion were the downfall of the empire and the establishment of the republic in 1912. A few years later, however, the southern members of parliament withdrew to Canton, claimed to be the *de jure* government, and elected Dr. Sun president. Until the death of Sun Yat-sen in 1925, however, little progress was made in bringing unity to the country. Since then he has become the apostle of nationalism, and the principles he enunciated during his life, particularly those expressed in his "will," have aided in firing the imagination of the Chinese.

A catalogue of the influences which have worked for the establishment of the present strong sentiment of nationalism

would prove to be a compilation of some magnitude. Some influences have had more strength than others, as we contemplate the movement in different parts of the country. Among the more notable might be mentioned educated students, some of whom have returned from abroad and others from local institutions. They have studied international law, diplomacy, and history. They know that China has been discriminated against by the foreign powers and their national pride has been touched. Their personal pride has been hurt because they have been subjected to discriminations at home and abroad which they keenly resent. Many find themselves quite out of tune with ancient China. They have been inducted into a western civilization which makes them discontented with their old and which will not allow them to remain to enjoy the new. To a lesser extent, those who have come in contact with western civilization as laborers in coastal communities or, during the war, in Europe, have returned to tell of new institutions. Moreover, the solidarity of the western powers towards China has not been maintained. During the war Germans and Austrians, and later the Russians, were deprived of rights and property in China by the western powers and by the Chinese at the instigation of these powers. Russian emigrants, poor and despised, have competed with coolies in the most menial of tasks. The Chinese have concluded that white superiority is not what it was supposed to be. The foreigner has lost face in China.

Into an atmosphere already tense with anti-foreign sentiment came the influence of Soviet Russia. The Chinese nationalistic leaders accepted the proffered aid of the Russian revolutionists to enable them to draw their forces more closely together. With an Oriental shrewdness the Russians have preached an anti-foreign doctrine. This has been aided by an educational renaissance which has reached the masses, making it possible to spread these views far more widely than heretofore through the medium of literature, and direct more thought into nationalistic channels.

It was during the peace conference, which prepared the Treaty of Versailles, that the strength of the new nationalistic movement began to assert itself. China had entered the war very much in hope of enjoying a share of the fruits of victory. Particularly did she wish to be consulted and,

if possible, to preclude the acceptance of the situation in the Orient which resulted from the Twenty-One Demands imposed by Japan while the war was in progress. A program of concessions was prepared and urged on behalf of the Chinese people. The response was a disappointment, and this rebuff resulted in a great impetus to the movement for a sufficiently strong nationalistic state to demand recognition as a worthy member of the family of nations. China's opportunity was not long in coming, and the Washington Conference of 1921 concerned itself not only with the grievances which had been aired at Paris but with an even larger program. From this conference, although China failed to secure all she hoped for, she seemed to emerge in triumph. At this time a close student of Chinese affairs expressed the opinion that the movement for Chinese nationalism had been dealt a death blow by the settlement of all her grievances. But China did not come into an immediate enjoyment of the fruits of the Washington Conference. The Japanese did indeed retire from Shantung after reaching an agreement with the Chinese for the purchase of their properties, but the Nine-Power Treaty for greater tariff autonomy was delayed until the summer of 1925 by the refusal of France to ratify the convention pending the settlement of a totally extraneous matter, a dispute regarding the payment of the Boxer indemnity. The commission to consider the status of Chinese law and justice, with a view of ascertaining the rapidity with which extra-territoriality might be relinquished, was postponed at the request of China herself. Chinese thought did not enter too deeply into the causes of their disappointment; they merely observed that they were not getting what they wanted. Moreover, they had demonstrated that they had a very considerable power in their own hands to force concessions through the use of the boycott and the strike. The refusal to purchase Japanese goods which followed the disappointment over the Shantung settlement at Versailles brought great losses to the manufacturers and tradesmen of this neighboring country, particularly to the dealers in cotton goods. A year later a labor strike at Hongkong proved extremely effective against this British colony and, indirectly, against British interests in the Far East. This was a demonstration patent not merely to the Chinese intellectuals but to the coolies as well.

Attention was aroused to the fact that China was suffering not merely politically but commercially and industrially by the inroads of the foreigner. Losses to artisans, handicraftsmen, tradesmen and laborers, due to the introduction of machinery and mechanical power are almost inevitable where there is progress in modern science and invention. This has been the story of the industrial revolution in the western world for a century and a quarter. But an adjustment accomplished through more than a century in the west was crowded into a few years in those parts of China where western methods penetrated. These influences contributed measurably to a disordered economic and social life, which in turn aided the general unrest. Here we have the crux of the Chinese situation. The Chinese have been disturbed economically by the institutions the foreigner has brought to them. They have suffered by the lawlessness of banditry, the presence of undisciplined troops and a civil war, which the government of the war lords introduced after the decadence and final fall of the last Chinese dynasty. They have suffered in pride and have "lost face" *vis-a-vis* the foreign powers, because territory has been taken from them and humiliating conditions imposed in treaties forcibly wrung from them. They have also seen that the day of gunboat diplomacy in China has come to a close. China has enjoyed a surfeit from the international rivalries which marked the close of the nineteenth and early years of the twentieth centuries. The countries contending with each other for position in the Orient have been too busy elsewhere to give major attention to this part of the world. What the international complications of the future will be, it is too early to predict. Russia, Japan, Great Britain, and the United States may be drawn into conflicts in a game where China will again be the pawn. But for the present the use of force except in a few coastal cities seems out of the question; consequently, China sees herself in a more independent position than she has occupied heretofore.

The early months of 1927 held promise of a unification of China under the edicts of the nationalist forces. The Kuomintang came into the control of a group of able leaders. Their finances were set in order, and their policies unified under the

able generalship of Chiang-Kai-shek. The military forces moved northward from Canton, their original base, to Hankow and then eastward until they controlled Nanking, Hangchow, and the territory south of the river. It seemed as though they might sweep north, and the early fall of Peking was predicted. Many hoped for the establishment of a unified responsible government with whom the foreign nations could treat for the eradication of the grievances which seemed so oppressive to the Chinese. But before the summer came on it was apparent that there was to be no early fulfillment of this hope. The forces of Chiang-Kai-shek were unable to penetrate north of the river, and, more serious still, from the viewpoint of those who longed for a united China, the nationalistic factions themselves became divided into two camps. The Government had been moved by the nationalists from Canton to Hankow in December, 1926, and had come to associate with the nationalistic faction, Russian-Soviet advisors headed by Mr. Borodin. The Russians have worked in close coöperation with the nationalists since the closing days of Dr. Sun Yat-sen. They had been useful in coaching the military forces, but more particularly they had aided in the political unification of the people, especially the lower classes. The point was now being reached where their presence was a hindrance and their program of social revolution was not one with which any considerable faction of the Chinese sympathized. Their intense bitterness toward the foreign nations under the capitalistic régime was an embarrassment to the Chinese leaders. In their dealings with the foreign powers their perfidy and craftiness had been evidenced repeatedly. Documentary proof was presented to the Chinese and foreigners concretely by a raid on the Russian legation by the forces of Chang-Tso-lin, the war lord who controlled Peking. General Chiang undertook to divorce the communist group; and, although he was successful in a number of the smaller communities, their hold upon Hankow was too great for him to accomplish this purpose there, with the result that the nationalistic forces split into two factions, and somewhat later Chiang himself found it expedient to retire for a time.

The policies of our Government respecting the major grievances of the Chinese have been expressed in definite terms by

our President and his Secretary of State. With respect to tariff autonomy we took the leadership not only in the calling of the Washington Conference with this subject upon the agenda, but our delegates attended the subsequent conference in Peking in 1925–26, and withdrew only upon the statement of the Chinese nationalists that they would refuse to recognize any treaty which such a conference might produce. Concretely, Secretary Kellog has stated:

> The United States is now and has been, ever since the negotiation of the Washington treaty, prepared to enter into negotiations with any Government of China or delegates who can represent or speak for China not only for the putting into force of the surtaxes of the Washington treaty but entirely releasing tariff control and restoring complete tariff autonomy.[1]

Nevertheless, at Nanking the Nanking Government has chosen to disregard the treaty provisions and has imposed much higher tariffs in the territory under their control. The ordinary tax was raised to 12½ per cent, the tax on luxuries to 30 per cent, and on wines and tobacco to 50 per cent. These increases have drawn protests from all powers concerned, but means of effective resistance to these demands have not as yet been discovered.

A commission to examine the status of Chinese administration of justice provided for by the Washington Conference presented its report in November, 1926. Its convening had been delayed from time to time at the request of the Chinese Government. The commission reported that,

> under the Republican form of government set up in China . . . legislation was left to Parliament, that that branch of the Government has suffered disorganization and . . . in consequence legislation has . . . fallen . . . on the President . . . and other ministers and . . . the instabilitiy of ministerial tenure . . . has rendered the continuity of legislative policy difficult . . . The reins of government have fallen into the hands of the military leaders who by virtue of their powerful position can assume at will administrative, legislative and judicial functions . . . The Government Treasury has been depleted to such an extent that funds are at times lacking with which to pay the judicial and police

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[1] *China To-Day: Political.* Stanley K. Hornbeck—*World Peace Foundation Pamphlets*, 1927, Vol. X, No. 5, p. 550.

> officials . . . that . . . the legal and judicial systems are being impaired because of independent laws and courts established in areas which do not recognize the central government.[2]

Secretary Kellogg has nevertheless stated:

> The United States is prepared to put into force the recommendations of the Exraterritoriality Commission which can be put into force without a treaty at once and to negotiate the release of extraterritorial rights as soon as China is prepared to provide protection by law and through her courts to American citizens, their rights and property.[3]

A similar attitude on the part of the Powers has been shown with respect to the return to Chinese jurisdiction of territory taken from her. As has been stated, Japan has already withdrawn from Shantung and the British have expressed a willingness to evacuate Wei-hai-wei. For some years there has been a feeling at Canton that the Shameen settlement is not worth the irritation it causes, and there seem to be indications that the foreign concessions will be relinquished not only at Hankow, where a movement in this direction has already been made, but in Canton and Tientsin as well. Both the leased areas and the foreign concessions in Chinese cities have, in the main, lost their *raison d'être* and continue only to aggrieve the Chinese people. The concessions were created originally because the Chinese wished to segregate the foreigner, but have developed and continued as a means of protecting the foreigner and his property. But except at Shanghai which is a special situation, these areas now hardly protect. The leased ports, particularly Wei-hai-wei and Kiaochao, were acquired when the Powers fearing a breaking up of China sought to earmark strategic points. Now the danger of partition among the European nations no longer exists. Hence the willingness to recede. Where rivalries are still strong, as, for example, between Russia and Japan, an effort to strengthen their position rather than to evacuate is apparent.

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[2]*The Report on Extraterritoriality Commission in China*, Government Printing Office, 1926, pp. ix–x, 107–110.

[3]Hornbeck, *ibid.*

The history of the foreign relations of China with modern Europe and America shows a succession of actions quite irregular as judged by the customs of modern nations in dealing with each other. But these irregularities have been dictated by the fact that China herself has not been the sort of a power the other nations have envisaged. But she has been expected to take a hand in a game where the rules have not been those of the Orient but those of the Occident. China has been penalized severely, punished by the agencies of war and of diplomacy, when she has misplayed; she has been penalized, perhaps even more, when the Powers have cheated against each other. These penalties she resents and now asks restoration. The demands are met in a reasonable spirit, and assurances of friendship are voluble. But the game continues to be played in the western fashion—a fashion which Japan was quick to perceive but which China must learn only gradually. Her vast interior almost unpenetrated by western ways, her great uneducated population, her lack of quick and easy communication, and her conviction that except for some aspects of modern science the old is preferable to the new, all delay the solution the world has awaited. In time, certainly not at once, China may become unified in government and in economic life to qualify her for the position with the western Powers which her population, resources, and culture entitle her to occupy. But it may be better to modify the rules so that China in her economic, cultural, and nationalistic growth may move along her own lines, without penalty for failing to follow the beaten path of western development, or find her new culture warped into an alien mould. Such concessions have already been made by the educational missions in China. If pursued in diplomacy it will mean a continuance of the system of *modi vivendi* which have in fact existed in our dealings with China from the first. It will require a close sympathy with Chinese points of view and desires as well as with her limitations. It needs an open mind and an understanding heart, but a mind not only open but also intelligent.

THE NEGRO IN THE WHITE CLASS AND PARTY STRUGGLE

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I

Throughout the history of the relationship between white and negro in the South the overwhelming tide of white opinion has run against the political recognition of the negro.[1] This practical unanimity, however, should not be allowed to obscure the fact that the white South has never been in other matters a united class and party section.

Extreme outbursts against negro political participation have occurred twice. The first came during the Reconstruction Period, while a partisan Congress was planning cynically to bar its southern opponents from the political ring and make of the lowly freedman "a janizary of party tyranny."[2] The second came to a head in the nineties of the last century, when white class and party cleavages in the South, as elsewhere in the United States, confronted the regular parties with agrarian revolt in the shape of the People's Party, inheritor of Granger and Greenback grievances.

Southern leaders on this second occasion plainly set forth the relationship of the negro, as a potential voter, to southern political issues which in themselves had nothing to do with questions of race or color. It is necessary to cite here only one expression of this sort: "The time is coming [it had, indeed, alread come], gentlemen, and I regret it, when the white people of Virginia cannot stand together," declared a delegate to the state constitutional convention of 1901–02.

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[1]The author believes this to be hardly a matter in dispute. Documentation and expansion of this statement is made in other parts of a larger yet unpublished work from which this article is a chapter.

[2]Senator Lamar, of Mississippi, in a speech in Congress in 1876; cited in E. Mayes—*L. Q. C. Lamar*, Appendix.

"Then what is your condition? Whenever the white men of this state divide, the negro will hold the balance of power."[3]

The division in the South in the eighties and nineties was a social and economic one—roughly, between the farmer and the business man. The presence of the negro injected peculiar difficulties into the situation. Of course, in the South, as in every community, social and economic divisions were a part of the ordinary motivations of politics in all periods. There is evidence that the presence of the negro, certainly a social and economic factor in southern life, gave idiosyncrasies to southern politics even before enfranchisement.[4] Even in the face of enforced enfranchisement during Reconstruction, the presence of white class lines is to be detected in the reaction of the South to the radical Republican proposal.[5] It is such repercussions of the race issue on the struggle between "Bourbon" and "plebeian" that we shall here review.

The struggle of the small farmers and propertyless whites against the domination of the plantation owners,[6] lasting down to the Civil War, is a commonplace of southern political history. Let us recall an instance from Virginia, where race, class, and party lines have always been sharply and articulately drawn.

In 1829, the Mother of Presidents was holding the first of two constitutional conventions, symptoms of a cleavage lasting in aggravated form until 1850, in which the small farmer-poor-white and plantation-owner struggles were fought out. This time, the chief issue in a bitter fight was the basis of legislative apportionment, and the lines were drawn, geographically, between the black counties of the east and the white counties of the west. It was not the negro directly, however,

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[3] *Virginia Constitutional Convention Debates*, 1901–02, Vol. II, p. 3064; Mr. Gordon. *Cf.* J. A. C. Harris—*Life of Henry Grady*, p. 99; A. M. Arnet—*Populist Movement in Georgia*, p. 48; R. L. Felton—*Country Life* in *Georgia*, pp. 194–95; M. J. White—"Populism in Louisiana," in *Mississippi Valley Historical Review*, Vol. V, no. 1, p. 124; Representative Bankhead, in the Birmingham *Age-Herald*, May 3, 1901; etc.

[4] See the next following pages, and the beginning of sec. IV below.

[5] Pp. 366–367 below.

[6] It is these two hostile social and economic groups which for the sake of brevity we shall henceforth designate respectively as "plebeian" and "Bourbon." The latter has long been a common designation in southern politics.

that at this time caused dispute, but white property qualifications for voting. Should value, or extent of acreage, admit to the suffrage? If value, the smaller but rich plantations cultivated by slave labor would continue the political preponderance of the east; if acreage, the poor but straggling and extensive holdings of the western frontier would come to the fore.[7]

The establishment of universal white male suffrage in the middle of the century helped to smooth over such opposition, and the South was of course further united under the leadership of the Bourbon group by the universal white sentiment against the negro, and the struggle with the North over expansion.

Nevertheless, the antagonism of the two white groups was not really to be allayed even by the crisis of secession and war. In every state of the late Confederacy which numbered among its population a large plebeian group, the slave-holding leaders had to deal with a marked and articulate opposition; and even where the plantation owners easily predominated, the dissidents were as articulate as they might be.

Georgia, later a hot-bed of agrarianism, throughout the war "presented the attitude of chronic objector" to the Richmond government.[8] The Unionists of poor-white Alabama were strong enough towards the end of the war to attempt a "loyal" reorganization of the state, and after 1865 flirted with radical republicanism.[9] In the border-mountain states with but a slight slavery interest, the Confederate leadership had to face open treason. Bourbon Virginia lost the plebeian counties which now form West Virginia. In Tennessee and Arkansas, the Confederate administrations were opposed by "loyal" governments, not without popular support, during the last years of the war, while in Kentucky, it was the Confederate "provisional government" which was but a shadow.[10]

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[7]Porter, K. H.—*History of Suffrage in the United States*, 75–77. A compromise was effected which broke down in a few years.

[8]Thompson, C. M.—*Reconstruction in Georgia*, 32.

[9]Fleming, W. L.—*Civil War and Reconstruction in Alabama*, 342, 398.

[10]*Passim:* H. A. Herbert—*Why the Solid South?;* J. W. Fertig—*Secession and Reconstruction of Tennessee;* T. E. Staples—*Reconstruction in Arkansas;* and E. M. Coulter—*Civil War and Readjustment in Kentucky.*

Eastern plebeian Tennessee had voted against the holding of a secession convention in plebiscite, and was carried out of the Union only by chicane.[11] Two conventions, in 1861 and 1864, representing the plebeian section, planned secession from the Bourbon West.[12] Arkansas had always had a strong Union element, and when, in 1863 a Confederate general went over to the "loyal" party, he denounced not only secession, but the Bourbon, Jefferson Davis, and negro slavery.[13]

At the same time, another Arkansas loyalist plainly put the poor-white, small-farmer point of view in a bitter denunciation of the secession convention: "Sirs, under what obligation are you to slavery or to slave-holders? For more than a century you have deferred to his rights, although inimical to your own. In deference to his rights you have for more than a hundred years tolerated an institution that was a burden upon our energies and a blight upon our very best interest. In deference to his rights you have seen the poor of your country reduced to a social position despised even by the very slaves of his wealthy slave-holding neighbor. All this you have permitted and tolerated in deference to the rights of about one in fifty of your number."[14] Some months later, Andrew Johnson, poor-white Tennessean, then provisional governor of his state, uttered the famous "Treason must be made odious, and traitors must be punished"; he added—what is not so well-known—*"and impoverished,"* and continued: "Their great plantations must be seized, and divided into small farms, and sold to honest, industrious men. The day for protecting the lands and negroes of these authors of the rebellion is past."[15]

For a short time after the end of the war—even, to a diminishing extent, beyond 1867—this cleavage continued.[16] Approving emancipation in the Louisiana convention of 1864—

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[11]Fertig, 20.

[12]Fertig, 48. The project was renewed in 1866, *ibid.*, 76–77. The same issues had divided Texas throughout her history; *v.* W. J. McConnell—*Social Cleavages in Texas.* Proposals to split the State were made in the conventions of 1866 and 1868; *op. cit.*, 42, 127.

[13]Staples, 12.

[14]Little Rock (Arkansas) *Gazette*, April 3, 1892; reprint of a speech by William Fishback delivered in Little Rock, October 31, 1863.

[15]MacPherson, E.—*Political History of the United States during the Period of Reconstruction*, 3d edition, 47 n.

[16]Fleming—*Alabama*, 766–67.

before the advent of congressional reconstruction, be it noted —a delegate said: ". . . Permit me to remark, the emancipation of the African is nothing more or less than that of the white man. Yes, sir, it will prove to be, in the course of time, the true liberation of the poor white laboring classes of the South . . . for it cannot be denied that all over the South the political and ruling power was in the hands of the very few at the expense of the very many. The legislation of Louisiana, for the last sixty years, was made by slave-holders for the sole and exclusive benefit of the slave-holders . . ."[17]

With sentiments such as these, naturally the plebeian "loyalist" politicians of the border states,[18] tasting power for the first time, wreaked vengeance on their late Bourbon masters. Their proscriptive legislation put to shame not only the federal reconstruction code, but as well the harsh measures of the "black-and-tan" state administrations in the lower South.[19] Even in the lower South there were scalawags—southern radical Republicans—and not all scalawags were the unmitigated and scoundrelly adventurers they are now commonly represented to be. "Some of these were politicians, content to take office at any price to the country; but others of them were good citizens, who had become so embittered by the war, that they were willing to accept the aid even of their former slaves in a fight against the secessionists . . ."[20]

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[17] *Debates of the Louisiana Constitutional Convention of 1864*, 190; Mr. Cazabat.

[18] Assisted eagerly, of course, by the invading carpetbaggers.

[19] For details, consult the works cited in note 10 above.

[20] Herbert, 37; of Alabama. Among these was William Yerger, one of Mississippi's leading politicians, later—as an irregular during the agrarian revolt—to protest against constitutional disfranchisement as unnecessary and dangerous; *v.* J. W. Garner—*Reconstruction in Missippi*, 179; and the Natchez *Daily Democrat*, March 5, 1890.

Many scalawags were honest enough to leave the Republican ranks, first, significantly, to form "Moderate Republican" parties, only later to adhere to the Bourbon "Conservative" party, as the corruption and inefficiency of carpetbaggery and "negro domination" became manifest.

During the period of Congressional Reconstruction, the Radicals made clever use of the cleavage between rich and poor white. In Georgia they circulated this appeal: "Be a man! Let the slave-holding aristocracy no longer rule you. Vote for a constitution which educates your children free of charge; relieves the poor debtor from his rich

But this state of affairs endured only a short time. Once more, as before the war, the bogey of the negro and opposition to the North forced the two groups into a coalition, again under the hegemony of the Bourbon leaders.

Whole-heartedly, this united South, gathered together into the fold of the Conservative party, ousted the late slaves, the radicals, the republicans, from power, and, moved by a common mistrust of the negro, drove him farther and farther from the field of political action. But who held the balance of political power in the new South after 1876?[21] Again, the Bourbons; no longer, to be sure, the great plantation and slave-owners, but such large farmers as had survived the economic changes of the period, plus the commercial and financial interests of the new dispensation with, later, the growing industrialist group.[22]

But the plebeian group was now in a far better position for a revolt than it had ever been before the war. When the series of agricultural depressions came which brought about the agrarian rebellion of the Granger-Populist period, in the eighties and nineties, the southern small farmer, tenant, and debtor found himself acting in concert with his fellows of the North and West. North, West, and South faced privations and dangers far more threatening than any that had in earlier times imperiled their respective plebeian classes. In the South particularly, the Bourbon hegemony had been discredited by the débacle of secession, and had been forced to call the lower order into the councils of political leadership to carry on the fight for white supremacy. Small wonder, then, that there

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creditors; allows a liberal homestead for your family; and more than all, places you on a level with those who used to boast that for every slave they were entitled to three-fifths of a vote in congressional representation. Ponder this well before you vote." (Thompson, 204.)

[21]The date of the South's "redemption": when Federal troops and marshals were withdrawn as part of the Hayes-Tilden compromise.

[22]Arnett, 29–32, especially 32: "Thus the new Bourbon régime in Georgia was essentially a business man's régime. To a greater or less extent this was doubtless true of other southern states." The bosses of Georgia from the seventies to the nineties were Colquitt, planter, and J. B. Gordon and J. E. Brown, industrial and railway promoters; throughout the period they shared the governorship of the state and one of the Federal senatorships. *Cf.* F. B. Simkins—*The Tillman Movement in South Carolina, passim.*

should now be a plebeian uprising on a grander scale than ever before; an uprising which was by 1890 able to win marked successes in eleven southern elections either through its own party organization or by capture of the regular parties.[23] But this victory was short-lived. By the early years of the next century it had gone down to defeat or else—under the fear of "negro domination"—compromised itself hopelessly by coalition with the regular white man's party.[24]

This uprising and its defeat were accompanied by three highly significant sets of circumstances: First, during the same period in which agrarian party irregularity was growing, all the southern states were developing their statutory suffrage-restriction codes[25] aimed ostensibly at the negro; and when the revolt had been defeated, stringent constitutional restrictions were enacted in eight states.[26] Second, as the revolt approached its climax, between 1890 and 1900, charges and countercharges of electoral corruption and fraud were hurled by each party, Bourbon and plebeian, with a vehemence,

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[23]Besides a sweeping victory in Georgia, the Farmers' Alliance secured complete control of the Democratic organization of South Carolina, electing Benjamin Tillman governor, gaining an overwhelming majority in both houses of the State Legislature, winning one national senatorship, and seating a majority of the state's delegation in the House. In Tennessee, the president of the state Alliance was elected governor. It was an off year for state elections in Virginia, North Carolina, Mississippi, Louisiana, and Kentucky, but five out of ten congressmen sent up from Virginia were pledged to the Alliance platform, eight out of nine from North Carolina, two out of seven from Mississippi, four out of eleven from Kentucky. In Missouri a majority of the State Legislature and all the congressmen were pledged to the Alliance. In the South as a whole, about forty national representatives and several senators were committed to the Alliance. The farmers of Florida and Texas dictated the platforms at least of the winning parties. *V.* Arnett, 122–23.

[24]Personal political ambitions undoubtedly had some share in bringing about these coalitions.

[25]*V.* especially S. B. Weeks—"History of Negro Suffrage," *Political Science Quarterly*, Vol. IX, 671–703.

[26]The present poll-tax, long-residence, "good character," "understanding," etc., requirements of Mississippi, South Carolina, Louisiana, North Carolina, Alabama, Virginia, and Georgia, and the now unconstitutional and expired "grandfather clause" of Oklahoma and certain other states. These were adopted in the period 1890–1910.

and probably with a justification, that quite equalled the mud-slinging of Reconstruction.[27] Third, while denunciation of the negro continued, and during the agitation for constitutional disfranchisement even grew to grotesque lengths, there appeared among the whites a certain unwillingness to go further with disfranchising measures, *and this unwillingness manifested itself chiefly among the politically irregular.*

Add to these conjunctures the self-consciously reiterated promises of the Democratic organizations, upon launching constitutional,disfranchising schemes, that no white voter would be touched by them, their refusal to submit their proposals to what was already an overwhelmingly white electorate, and the expressed fears of the poor-white and other political irregulars which we shall later examine, and it becomes an inescapable suspicion, practically a conclusion, that the agrarian rebels not only remembered the corrupt use of disfranchising schemes against themselves, but with much justice apprehended more and worse for the future.

The tradition of electoral corruption in the South has since 1865 taken two forms: One was built on the fear that negro votes would be used by the politico-economic nabobs, in spite of anti-negro sentiment, against the lesser white groups. Once the negro had been enfranchised, this fear was complicated by a second lively apprehension: that administrative schemes to disfranchise might be turned against the poorer whites.

A subsidiary but not unimportant issue harked back to early southern history: that the Bourbon black belt, by clinging to parliamentary over-representation on a population basis, would continue to subordinate the white counties where there were few non-voting negroes to count into the apportionment basis. Here we are dealing not so much with negro-white relationship, as with the political struggles of the white groups.[28]

These three threads—the use of negro votes in the white party struggle, the recoil of franchise limitations on the

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[27] *E.g.*, Little Rock *Gazette*, September, 1892; Atlanta *Constitution*, August 13, 1907; Raleigh *News and Observer* for 1899–1900; Charleston *News and Courier*, December 3, 1881; and below, pp. 370–374.

[28] *Cf.* above, p. 359, and below, p. 375 ff.

whites, and the over-representation of the black belt—we must now follow separately.

II

First, what made the poorer whites feel that their opponents would use the vote of the universally despised negro? Had not the first state conventions after the war resisted pressure from high quarters to do this very thing?[29] Nevertheless, during the early period of Reconstruction the temptation was strong on certain conservative leaders to increase their strength by bringing into the Bourbon party the then docile freedman. This was remarked by Truman in his report on conditions in the South made to President Johnson in 1865, and was commented on in the northern press.[30]

So we find in Alabama that it was the representative of a black county who in 1865 introduced into the short-lived Presidential-Reconstruction Legislature a bill conferring qualified negro suffrage.[31] At this time, we are told, some of the native leaders had come around to thinking that thus they might "gain the confidence" of the negro and control his vote. "The black belt hoped in this way to regain its former political influence. *The new constitution, by making the white population the basis of representation, had transferred political supremacy to the white counties. The hilly section of the state was opposed to any form of negro suffrage . . . The*

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[29]Both Lincoln and Johnson in letters to southern governors counselled the grant of a limited negro suffrage (Fleming, *Sequel of Appomatox*, 66–67; Herbert, 387; Charleston *Daily Courier*, June 1, 1865; MacPherson, 18–20). *Cf.* Garner, *Mississippi*, 109: the suggestion did not "receive any attention whatever" from the 1865 convention; "It is highly probable that the unanimous sentiment of the convention was against the idea of political rights for the negro in any form."

Even negroes have wondered why the Bourbon leaders did not in 1865 grasp this means of consolidating their power (Fleming, *Alabama*, quotes Booker T. Washington's *The Future of the American Negro* to this effect, p. 501, n. 1). Obviously they allowed their anti-negro feeling—just as real if less virulent than the plebeians'—to get the better of their judgment. They had, too, to count on the opposition of the poor whites.

[30]Fleming, *Alabama*, 387; cites the *Nation* of October 5, 1865.

[31]*Ibid.*, 387.

black belt people, who had less prejudice against the negro and who were sure that they could control him and gain in political power, were more favorably inclined . . ."[32]

The Bourbon, A. H. Stephens, Vice-President of the late Confederacy, expressed his willingness to see granted a restricted negro suffrage.[33] Wade Hampton, of South Carolina, went much further: ". . . No harm would be done the South by negro suffrage," he is reported as saying. "The old owners would cast the votes of their people almost as absolutely and securely as their own. If northern men expected in this way to build up a northern party in the South, they were greatly mistaken. They would only be multiplying the power of the old and natural leaders of southern politics by giving a vote to every former slave. Heretofore such men had served their masters only in the fields; now they would do no less faithful service at the polls. If the North could stand it, the South could. For himself, he should make no special objection to negro suffrage as one of the terms of reorganization, and if it came, he did not think the South would have much cause to regret it."[34]

Such complacency made the plebeian leaders quiver. President Johnson, discussing negro suffrage for Tennessee with a native of that state, pointed out as a reason for his objections: ". . . The negro will vote with the late master whom he does not hate . . . rather than with the non-slave-holding white, whom he does hate . . ."[35] And Provisional Governor Perry pointed out to the South Carolina Convention of 1865 that negro suffrage would give "to the man of wealth and large landed possessions in the state a most undue influence in all elections. He would be able to march to the polls, with his two

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[32]*Ibid.*, 387–88; italics mine.

[33]Fleming, W. L.—*Documentary History of Reconstruction*, Vol. I, 234.

[34]Fleming, *Sequel*, 51–52, 1865. Also cited in *Documents*, Vol. I, 95. *Cf.* also his similar speeches of 1867, *op. cit.*, 421; and as late as 1876, *op. cit.*, Vol. II, 411.

[35]MacPherson, 49; *cf.* a similar remark to a delegation from South Carolina, Charleston *Courier*, March 8, 1865.

or three hundred 'freedmen' . . . The poor white men would have no influence . . ."[36]

III

We know that, after the "redemption" of the South in 1876, although all the white groups strove earnestly for the elimination of the negro vote, each one, quite in accordance with what we have just said, made use of the negro against the opponent. We know, too, that eventually, in this game of fraud against fraud, the regular, Bourbon democracy proved to be the more successful, thus giving further ground for the plebeians' feeling that the despised negro's vote was being cast into the political scales to overweight their own. But as grew, concomitantly, both the movement for disfranchisement and the agrarian revolt—the one culminating in the disfranchising constitutions of 1890–1910, the other in the Populist campaigns of 1890–1900—a new issue came to the fore in the minds of the politically dissident: It was no longer merely a question of the use of negro votes against them by the more powerful and better organized regular democracy, but also one of the use of disfranchising measures to throw out *white* non-Democratic votes, and to defraud of registration or polling *white* non-Democratic voters.

The great centralization of electoral machinery in the southern states gave additional color to these apprehensions.[37] This

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[36]Charleston *Daily Courier*, September 16, 1865; *Journal of the South Carolina Convention of 1865*, 14.

Two years later, however, under the threat of impending Congressional Reconstruction with its enforced negro suffrage, Perry, then in private life, saw in a union of plebeian scalawaggery with the negro an even greater menace: "I greatly fear there are many white persons in South Carolina who will vote for a Convention, under the hope of its repudiating the indebtedness of the State. This class may influence the negro vote to unite with them, and then, in return, they can unite with the negro in parcelling out the lands of the State. One step leads to another. Stay law first—repudiation next; and then follows a division of lands and an equal apportionment of property among all persons. And last of all, the honest, hard-working, industrious, and prudent class must support the idle, dissipated, extravagant, and roguish class. . . ." (Letter to the Columbia *Phoenix*, reprinted in the Charleston *Courier* May 4, 1867.)

[37]*V.* Herbert, Weeks, Porter, *passim.*

was partly a heritage from the days of radicalism, when the Republican administrations created centrally appointed registration and election officials, and gave sweeping powers of review to boards of control generally composed of the three highest state officials. Having seen how well these devices served the Republicans in prolonging their grip on the southern polity, the returning conservatives retained them, even strengthened them, in order to continue the good fight against radicalism and negro domination. But what was to prevent the Bourbon wing of the democracy from using them against the agrarian rebels? Obviously, whatever party was in power under one of these highly centralized election codes was at a great advantage—if it cared to be unscrupulous—in a fight to retain office. This was not lost on the poorer whites and other dissidents.

It is not, therefore, surprising to find strong objections to the passage of statutory disfranchising measures from the eighties onwards.[38] The plebeian party felt that while these laws might further put down "niggerism" and republicanism, their poll-tax clauses, their eight ballot-box arrangements, their non-partisan ballot specifications would of themselves hit the poor and illiterate plebeian voters; and further, that administrative provisions for throwing out misplaced and surplus ballots, for "helping" the illiterate voter, for a time-limit on the voters' stay in the polling booth *could be made* to hit the plebeian voter.[39] Insofar as these measures struck at the negro, they pleased both white groups; but their possible incidence on white voters could please only the Bourbons.

It seems probable that the vicissitudes of the Tennessee poll-tax requirements are to be traced to plebeian suspicion: enacted in 1870, it was suspended in 1871, and repealed in 1873; only to be reënacted in 1890—at the climax of the agrarian revolt.[40] For the same reason, in 1880, Florida

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[38]This was about the time of the second wave of agrarianism, the Farmers' Alliance movement.

[39]For the provisions of some of these laws see Weeks, *op. cit.*

[40]Weeks, 693. The 1890 measure—the Dortch Act—was not passed until after much airing of poor-white fears (Knoxville *Daily Journal*, January-March, 1890, *e. g.*). This measure included not merely a poll-tax requirement, but enacted also a complicated non-partisan ballot, a time limit on marking, etc.

ignored the franchise provisions of her constitution of 1868, which called for the application of a literacy test after that date.[41] When five years later it was proposed to enact a poll tax for local protection against the negro, it was immediately pointed out that the black belt needed no protection against negro county government, since the county commissioners were appointed by the safely white democratic central administration.[42]

The famous eight-ballot-box election law,[43] accompanied by a stringent registration code, was debated in the South Carolina Legislature throughout the session of 1881–82. The final vote was several times postponed amid much wrangling.[44] The report of a special "harmonizing" committee reveals plainly between the lines that the objections to it were not merely Republican and negro.[45] A Democratic legislator, endangering himself, doubtless, with his party leaders, opposed "entrusting so much power in the hands of any one man, the power alluded to being the right given the supervisor to determine the legal qualifications of voters. The bill was doubtless intended for a wise purpose, but it might be made the engine of oppression."[46]

From Georgia come two examples (surely not isolated) of actual chicane on the part of the regular democracy to the disadvantage of Populism. In 1890, Tom Watson had been sent to the National House of Representatives as a Populist; in 1892 he was defeated. The Democratic party had in the meantime secured a gerrymander of his district.[47] The 1892 state election, too, went against the agrarian faction. "Corruption and cunning" were "the price of the Democratic victory. The evidence indicates . . . that the 'job-lash' was used by at least one of the Augusta mills to force employes, white and

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[41]Weeks, 698.

[42]Jacksonville *Times-Democrat*, August 5, 1885.

[43]Provisions in the Charleston *News and Courier*, January 23, 27, 28, 1882.

[44]*Ibid.*, December 8, 1881, *e.g.*

[45]*Ibid.*, January 21, 1882.

[46]*Ibid.*, December 3, 1881.

[47]Brewton, William W.—*Life of Thomas E. Watson*, 246.

black, to vote 'regular.' Some who refused to heed the warning were discharged, and were told, according to their testimony, that this was the sole reason therefor. . . . Somewhat similar methods were employed, it seems, in the smaller towns. In the country, a considerable number of precincts with Populist majorities were thrown out on technicalities. . . . The Democrats were not the only sinners, to be sure; but they were more resourceful, and hence more successful at the game."[48]

These examples might be multiplied indefinitely. When a stringent registration and election law was passed in Virginia in 1883, it was the target of all Populist shafts.[49] Another in 1894 met with "strong opposition" in the caucus of the Democratic party itself.[50] In 1896, the seceding "Gold Democrats," who refused to vote with the Bryan wing of the national party, complained that they did not get fair treatment at the polls.[51] In 1900 "it was generally admitted by men of all parties" in Virginia "that the negroes were being defrauded at the polls and that those who had charge of the party machinery in local elections often treated the whites who differed with them in the same fashion."[52] The Alabama Populists opposed the strict Sayre election bill of 1893.[53] The Louisiana agrarians joined the remnants of local Republicanism in 1892, charging that "the state electoral machinery was in the hands of the Democratic politicians . . . the people's party was merely fighting the Democrats with their own methods."[54]

In this background, it may be easily understood why the irregular elements at the time of the disfranchising conventions and legislatures should again and again insist that the

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[48]Arnett, 154–55. Soon after, a general registration law was passed with the full concurrence of the irregulars, who thought they might thus win some measure of protection against the Bourbons (R. L. Felton—*Country Life in Georgia*, 195).

[49]Richmond *Dispatch*, December 4, 1883.

[50]*Ibid.*, March 2, 1894.

[51]Morton, R. L.—*Negro in Virginia Politics*, 135. Here was a case where the dissenters were too conservative for the regular party organization.

[52]*Ibid.*, 145–46.

[53]Weeks, 696.

[54]White, 110; from a Populist manifesto. "Their own methods" means negro voters and chicane at the polls.

eight-ballox-box law, the ballot without party designations, the poll-tax certificate requirement, centralization, and the other statutory devices, together with the newly-developed "white primary," sufficiently guaranteed the South against "negro domination." Even under the old regulations, it was argued, white voters offensive to the state machine could be—and were—disfranchised. What would happen under the vague "good character" and "understanding" tests?[55]

A week before the Mississippi disfranchising convention met, a newspaper of independent politics said: "Altogether this body will meet under phenomenal circumstances . . . There have been no burdens, grievances, or hardships under which the people have suffered, for the removal of which the convention has been ordered to assemble; there have been pointed out no specific changes to be made by any general voice of the people . . ."[56] When the "understanding" clause was proposed to the convention, this editor bitterly opposed it under the rubric "That Abomination," and cited other papers in support of his statement that the people opposed it.[57] On the floor of the convention it was once stricken out, and many times considered and reconsidered.[58] In Georgia, a member of the Legislature wrote: "It is by no means certain . . . that there is now any real popular demand for [a disfranchisement] scheme. There is a demand for pure elections. . . .

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[55]The Republican remnants who depended on the negro vote for whatever influence they retained were of course also in opposition. Thus one: " . . . I feel it to be a duty I owe to my conscience, to my constituents, and to the people of the entire State, and the United States, to enter my earnest protest against any and every movement towards the disfranchisement of any of the citizens of the State, as being wrong and unlawful," etc. *(Debates of the Virginia Constitutional Convention of 1901–02*, Vol. II, 3046.) Another couched his warning in terms which might easily have been employed by some irregular Democrat: "How many voters will be deprived of the right of suffrage [by the understanding clause] . . . no one can tell. It is as elastic as a rubber band and can be adjusted to any voter to suit the desire of a partisan registration board. . . . It will not do to claim that men will not take advantage of a law so loosely drawn. . . . " *(Ibid.*, 3012.)

[56]Natchez *Democrat*, July 3, 1890.

[57]*Ibid.*, October 8, 1890.

[58]*Ibid.*, September 23, October 4, 1890.

As a separate issue [disfranchisement] has not yet been passed upon by the people . . ."[59]

As to the necessity for further disfranchisement, ". . . At present white domination in local offices is as complete as the superior race chooses to make it."[60] Or "The primary system is sufficient to exclude all undesirable citizens and is sufficient to include all who are necessary. It allows each county or district to work according to its peculiar needs . . ."[61] Indeed, "We already had the negro practically eliminated from politics by the white primary."[62] Elsewhere a simple poll tax was advocated as a sufficient deterrent to the negro.[63] Practically everywhere, when some devious educational or "character" test was proposed, preferences were expressed for the comparatively simple schemes of the statutory disfranchising codes.[64]

Inextricably mixed now were the two great fears about the cumbrous new disfranchising machinery with its extraordinary grants of administrative discretion: that it would be used—was planned for use—to throw out recalcitrant white voters, and also to make use of the venal negro against independency. Why—demanded several times the Mississippi editor we have already cited—if the purpose of the new legislation is to disfranchise negroes, do not the negroes and the Republicans oppose it more violently?[65] "Fraudulent" intent was charged to members of the franchise committee from the floor of the convention.[66] Or the legislators were addressed

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[59]Atlanta *Constitution*, July 29, 1907; letter from William J. Neel.

[60]Natchez *Democrat*, January 30, 1890. The editor even conceded that where a "fusion plan" for the division of local offices gave certain minor posts to Republicans and negroes, harmony between the races had been promoted, and the negro officials found efficient *(ibid.*, July 17, 1890). It is highly significant that the regular Democracy was thus willing to divide and rule with the despised negro, and that an independent paper should prefer such an arrangement to further disfranchising legislation.

[61]Augusta (Georgia) *Chronicle*, June 16, 1907; editorial.

[62]Atlanta *Constitution*, July 29, 1907; Mr. Neel's letter.

[63]Birmingham *Age-Herald*, May 20, 21, 24, June 2, 1901, etc.

[64]Raleigh *News and Observer*, January 12, 13, 1899, *e.g.*

[65]Natchez *Democrat*, October 7, 1890, *e.g.* This was the same journalist who had pointed out the existence of the "fusion" arrangement; *v.* above, n. 60.

[66]*Ibid.*, September 18, 1890. "Fraudulent," of course, meant not twisting the letter of the law, but violating the spirit of white anti-negro solidarity.

more mildly: "Gentlemen, you are not legislating for today or tomorrow, but for the years to come, and you are fixing it so you may strike at my children and yours in the future. You had better go slow. You are aiming at the negro, but you may strike a white man."[67] A good-character clause "is a gap which will give politicians a wide field to wield an influence for their own selfish ends."[68]

Perhaps the most heated debates occurred in the Alabama convention of 1901. A "sensational speech" on the floor called the grant of discretionary powers of examination to the boards of registry "a device by which the wily politicians in control of it would take care of their own interests."[69] The minority of the suffrage committee objected to the clause requiring proof of good character, as giving too much power to the registrars.[70] A series of editorials expressed or plainly implied a fear of misuse of discretion in registration by whatever party happened to be in control of the administration.[71] An "honored citizen" declared in an interview: "The registrars may do whatever they please . . . the methods of appeal being costly and therefore impracticable . . . The scheme will not only perpetuate fraud, but will lend [it] legal protection. . . . A most objectionable provision for unpunishable fraud is found in the exemption of all men over 45 . . . from . . . the poll tax. After a negro is 30, no man can guess within fifteen years of his age. Therefore a great majority of the negroes in the black belt will each be over 45 . . . for since the registrars are to be the sole judges . . . they may at will put all the negroes on the poll lists . . . There being . . . no purging of the lists, the names of registered negroes 'over 45' would remain permanently unchanged, for in the black belt, you know, a negro never dies as far as voting is concerned . . . These voters the bosses of the registrar could use on election day as they pleased to suit any purpose. . . ."[72]

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[67]Atlanta *Constitution*, August 3, 1907; Mr. Hall.

[68]Atlanta *Constitution*, July 31, 1907; Senator Taylor.

[69]Birmingham *Age-Herald*, July 16, 1901; Mr. Lowe.

[70]*Ibid.*, July 11, 1901.

[71]*Ibid.*, May 20, 21, June 2, 1901. This journal seems to have had independent leanings in politics.

[72]*Ibid.*, July 7, 1901.

Equally scathing were the strictures of a member of the Georgia House: "The gentleman from Laurens (sponsor of the disfranchisement proposal) declared that 'it was an artfully drawn bill.' He is right. It is the most artfully drawn bill I have ever read. It is so artfully drawn that it conceals its real meaning. He also said that the registrars could put to any voter any questions they wanted to. They can ask a negro a question he can answer if he is going to vote right and puzzle a white man if he is not going to vote right. . . ."[73]

The capstone was placed on this structure of tragic-comic mutual suspicion in those states like Virginia, where, defying usage, law, and the promises of the Democratic party, the new constitutions were proclaimed, instead of being submitted to plebiscite, lest they be defeated.[74]

IV

One more thread remains for us to follow through this almost incomprehensibly tangled fabric of race, class, and party relationships, before we draw our conclusions as to the essential pattern. The question of suffrage in the South—as

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[73]Atlanta *Constitution*, August 13, 1907; Mr. Hall. In Virginia there was a long debate over the incorporation of a clause in the new constitution creating bi-partisan election boards. This the regular Democrats insisted was a useless safeguard, that might compel the appointment of "incompetents." It was finally agreed that not more than two members of a local board should be of the same party *(Virginia Constitutional Convention Debates*, 1901–02, Vol. II, 3030–32.

[74]Morton, 155. The regular organization in Virginia had good reason to fear rejection of the disfranchising code. When the convention call was submitted to plebiscite in 1900, the thirty-two counties west of the Blue Ridge Mountains—the stronghold of white Republicanism and agrarian independency—were all but seven against the holding of a convention. The plebiscite must therefore have gone for the convention in the counties which had the larger negro population, "although it was a foregone conclusion that the negro would be disfranchised if a convention were called," and the Democrats had pledged themselves not to disfranchise white voters *(ibid.*, 147–49). This points to the double conclusion that the negroes did not vote freely in the black counties, and that the whites in the politically heretical counties were afraid of disfranchising measures. The Mississippi constitution of 1890 was likewise declared in force without plebiscite; *v.* Natchez *Democrat*, October 31, November 1, 2, 1890.

elsewhere—is not simply one of the casting and counting of votes. It includes the results of voting, that is, representation of the voters in the departments of government, and particularly legislative apportionment.

As in the case of crude suffrage, the apportionment issue goes back in southern history to the good old days before the war, before the injection of the negro voter into the political situation.[75] In old Virginia, to recall an instance, long before her actual division, there existed a sectional jealousy which in the period 1830–50 culminated in an advocacy of secession of the plebeian west from the Bourbon east.[76] Two issues were involved: the extension of the suffrage to all white taxpayers—for only certain freeholders had the suffrage at first—[77] *and the leveling up of representation in the legislature*—for the east was given a weighted majority under the existing law because of its larger tax payments.[78]

When once the negro had been enfranchised, at least so far as to be counted a "citizen" for purposes of enfranchisement, this struggle was renewed along the same lines of geographical division—black *versus* white counties—but black county over-representation was no longer based on property in slaves and land; rather on the addition of largely non-voting negroes to the population base, to the disadvantage of the plebeian counties in much the same proportion as before.

A leading historian of the South makes this issue one of his chief reasons for arguing that the negro question has not yet been finally settled in the South: "The black counties are still represented in party conventions and legislatures in proportion to population. The white counties are jealous of this undue influence and would like to reduce this representation. The party leaders have been able to repress this jealousy, but it has not been forgotten."[79]

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[75] *V.* p. 359 above.

[76] Chandler, J. A. C.—*Representation in Virginia*, 47.

[77] Chandler, J. A. C.—*History of Suffrage in Virginia*, 36.

[78] Chandler, *Representation*, 33.

[79] Fleming, *Alabama*, 801, n. 1. The author adds significantly: "Before it will submit to loss of representation, the Black Belt, it is believed, will gradually admit to the franchise those negroes who have been excluded, and they will vote with the whites. Such a course will undoubtedly cause political realignment."

We have one instance of a political flurry over representation from the early post-war conventions. In Alabama in 1865, during Presidential Reconstruction, Mr. Patton proposed an ordinance changing the apportionment of delegates in the General Assembly. Northern, plebeian Alabama, misunderstanding its intent, rose in wrath. The unfortunate delegate then explained that the purpose of his measure was to base representation on *white* population. Thereupon the white counties of northern and southeast Alabama voted for the measure, and thirty delegates from the black belt against it.[80] The Republicans of Congressional Reconstruction of course pursued the opposite tactics, since it was they who after 1867 controlled the negro vote. Representation on the basis of total population as they brought it about seems to have continued into the present.[81]

The agrarian revolt, that great disturber of southern political equanimity, brought the issue of apportionment again to the fore. In 1894, a Virginia newspaper complained: ". . . By the present methods the white people in the negro belt receive as much representation as double their number receive in the white counties. What do the people in the white counties think of this?"[82] Exactly the same controversy arose in Alabama. "When the ignorant negro vote is eliminated," said a leading independent newspaper during the sessions of the 1901–02 convention, "a white voter in southern Alabama will . . . far exceed a white voter in Jefferson, where the population is largely white . . . Representation should be based on votes cast. . . ."[83] A "prominent citizen" wrote: ". . . There are 232,294 white voters in Alabama. The thirteen black counties have 25,092 of these and the white counties 207,202; yet these black belt counties have a majority of our representatives in the two Houses [of Congress] and more

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[80] *Ibid.*, 364–65. The measure seems to have been passed.

[81] But gerrymanders against negro sections were part of the tactics of consolidating white supremacy after the redemption of the '70s.

[82] Richmond *Dispatch*, June 18, 1894, quoting the Richmond *Times*. The *Dispatch* added accusingly: "What do the people of the black counties think of this coming from a Democratic paper?"

[83] Birmingham *Age-Herald*, March 31, 1901; *cf.* April 26, May 6; quotation from the Geneva *Reaper*, *e.g.*, July 15, 1901.

than half of the state officials and employes, and about one-third of the members of the Legislature and state conventions. . . . So long as the black belt had the negroes to deal with our people were content . . . but when the negro is disfranchised, why should one man in Dallas equal five in Jefferson?"[84]

V

The reader will perhaps think it necessary that a reconciliation be effected at this point between two seemingly contradictory propositions maintained in these pages. Having insisted that for more than fifty years the whole white South opposed negro suffrage both in theory and in practice, we seem now to have shown that one group—the plebeians and other political dissidents—vigorously opposed the perfect fruit of anti-negro feeling: the disfranchising constitutions of 1890–1910; and that another—the Bourbons and the politically ambitious—while vigorously urging constitutional disfranchisement, had their eyes fixed rather on a continuing negro suffrage, and, seemingly, wished to limit the white franchise.

That a contradiction exists here is undoubted; but it is felt that the reconciliation must be made not so much by the historian of the events, but rather by the protagonists of "white supremacy" in the South. The case of negro suffrage in the United States is not the first in history in which social groups have failed to see their own interests, have acted contrary to their interests, or have turned a social institution or technique to uses which they neither foresaw nor intended.

However, the position here maintained is not as paradoxical as it may at first seem. To begin with, not all the plebeian and dissident leaders opposed the new constitutions. Had they done so, the new constitutions would have had much harder going on their way to enactment. The dissidents who objected were voices—albeit loud voices—crying in the wilderness. What they opposed were the devious administrative devices which the new constitutions were to contain, never negro disfranchisement.

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[84] *Ibid.*, July 21, 1901; *cf.* reports of the debates, July 15, 1901, *e.g.*

Indeed, hatred of the negro it was, fanned by inflammatory appeals[85] which drowned out the Cassandra-like warnings of those irregular politicians who opposed the new constitutions. Traditionally, race feeling had always run higher among the poor whites than among the Bourbons. After the war, hatred based on social and economic rivalry increased, rather than diminished. "The poorest whites felt that the negro was not only their social but also their economic enemy, and, the protection of the owner removed, the blacks suffered more from these people than ever before. The negro in school, the negro in politics, the negro on the best lands—all this was not liked by the poorest white people, whose opportunities were not as good as those of the blacks. . . ."[86] Thus we find that the politicians most virulent in their attacks after the 1880's were plebeian leaders: Tillman, Vardaman, Cole Blease, Jeff Davis, of Arkansas, e.g. They helped to put over the new

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[85] *E.g.*, the following from the Raleigh *News and Observer* of July 10, 1900, before the plebiscite on the new disfranchising constitution:

NEGROES THREATEN
TO APPLY THE TORCH

Carry Amendment and They Will
Burn Franklintown.

" . . . The report spread this evening. . . . Such things only make votes for the amendment by the score [*sic*]. . . . "

[86] Fleming, *Alabama*, 767. *Cf.* Fleming, *Sequel*, 47–48, citing Truman's report to President Johnson; and Thompson, 130.

So opportunistic have southern arguments always been, that we find an unreconciled slave-holder in a plea against emancipation (or for at least compensation to owners—a total non-sequitur) putting the poor-white view to the Louisiana convention of 1864: "Now, if we disturb this system [of slave labor], Mr. President, we drive out the white laborer, for it is impossible for him to compete with the free negro. Look at the free negro in his native jungle, and, sir, what do you find? a mere bug-eater, a fruit-eater; a mere naked, destitute wretch. . . . If you make them free, they will come in competition with white labor." A few moments before, this gentleman had argued against emancipation on the ground that the free negro would not work, was "worthless, shiftless, lazy, degraded." *(Louisiana Convention Debates, 1864*, 154–56; Mr. Abell.)

constitutions, risking—or not seeing—a hoist from their own petard.

On the other hand, it was not the *prime* object of the Bourbons and the other protagonists of the disfranchising constitutions to strike at their *white* political opponents. They, as well as the plebeian irregulars, had much to gain from the disfranchisement of the negro: a reduction of election expenses for the purchase of negro votes, greater security of political tenure where their opponents—sometimes Republican—controlled the negroes, and the psychic satisfaction of "keeping the nigger in his place," a desire which they shared with the plebeian classes.[87]

Quite whole-heartedly, therefore, the Bourbons devised the scheme which permitted administrative discrimination between "desirable" and "undesirable" voters, invented grandfather clauses, and assured the white constituency that "literacy," "understanding," "good character," and other devices now part of southern election codes were intended for use against the negro only.

But the South was conscious of the fact that the Bourbons did not dislike the negro nearly as heartily as did the poorer whites. Southern leaders well disposed towards the negro have nearly always been Bourbon: Beauregard, Hill, Grady, Hampton, Lamar, e.g.—men who had nothing to lose and much to gain from the negro in economic relationships.

The South felt, too, that Bourbon political formulations ran in aristocratic terms. In support of this sentiment, they had the early traditions of the pre-war cotton kingdom, and the utterances of the true-blue conservatives during the whole of the Reconstruction and post-Reconstruction period.[88]

Finally, it was known that throughout practically the whole South, the state administrations were in the hands of the regular party organizations; therefore it was but elementary shrewdness on the part of certain dissident politicians, especially in view of the experiences of the agrarian revolt, to feel,

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[87]They also thus placated the agrarian element, and brought it back to Democratic regularity; *cf.* p. 363 and n. 24 above. This was the case with Tom Watson and the Georgia Populists, and Benjamin Tillman in South Carolina; Brewton, 305–06, and Simkins, 206.

[88]*V.* above, *e.g.*, pp. 11–12.

with an impartial historian, that "The conservative wing of the white population was happy to take advantage of the prevailing race prejudice to secure the enactment of legislation disfranchising [or which might be made to disfranchise] a considerable number of the propertyless whites as well as the negroes,"[89] and perhaps as well still leave the negroes in the position of reserves in case of a new rebellion.

What has happened throughout southern political history, then, is this: In every crisis, race prejudice has thrown together two white groups who had race and color in common, to be sure, but who were separated by long-standing and radical class and party differences. Race prejudice has created a barrier between two groups of low economic and social status who differ in race and color, to be sure, but who should feel a common bond of class and party. Race prejudice has enabled one group to make use of the negro in spite of a degree of race feeling, as a threat and as an instrument in a class and party struggle against another white group.

Our story might have been simpler had any of three alternative courses been taken in the post-war South: (1) had the plebeians whole-heartedly taken in the negro in their struggle with the Bourbons; (2) had the Bourbons seized the opportunity of presidential reconstruction to consolidate the negroes against the plebeians; or (3) had both groups honestly abstained from the use of the negro in the class and party war.[90] What has actually happened is that both white groups, despising and hating the negro, have neverthless made use of him as best they could, surreptitiously, save when they have been forced into an unwilling union with each other. They

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[89]Beard, C. A.—*Contemporary American History*, 10.

[90]Of course, the Reconstruction policies of the Republican Party had much to do with the shutting off of these alternatives. Speculation is idle, but it is a tenable hypothesis that, had any southern group shown a marked and effectual desire to enfranchise the negro, the Republican Party in Congress enthroned would have set its face against negro suffrage. "What!" one can hear Thaddeus Stevens thunder, "we have barely freed the negro from the bonds of physical servitude, and the unrepentant rebels plan his political enslavement! What! We have barely saved the bleeding Union from dismemberment by malcontent and traitorous dealers in human flesh, and they are to re-consolidate their power by adding unto themselves as voters their lately brutalized chattels!"

have had to carry on their class and party struggles either by corruption and violence, or by compromise and boring from within a "white man's party," while maintaining a difficult show of outward harmony.

Nevertheless, we are told, there is a general feeling of confidence in the South that the situation never will, nor ought it to, change.[91] Can this be the case? Industrialization in the South will bring in its train political problems in the face of which the present suffrage regulations and party alignments must be severely strained. The one-party system which now embraces all of the effective electorate in the South is an abnormality. It may survive unchanged in form; it may give way to a new bi-partisan politics. In either case, the South must some day bear the shock of a conflict of interests which increasingly tempt the southern industrialist to cast his lot with Republicanism; by reaction, shift the southern small farmer and poor white into a new agrarian insurgency; and, more remotely, give the new urban worker a radical bent.

When a new political break comes in the South, it is useless to suppose, as one of the shrewder of the recent convention delegates pointed out, that those who can profit by manipulation will not more and more use the elaborate machinery for suffrage chicane to their own advantage.[92] On the ground of white politics alone, it were perhaps well for the South to reconsider its present solution of the negro suffrage problem.

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[91]Kent, Frank R.—Series of articles in the Baltimore *Sun;* July 2, 1926, *e.g.*

[92]I have been given instances by southerners and by field investigators in the South of the contemporary use of the present complicated registration schemes to keep suspected irregulars away from the Democratic primary polls on technicalities.

VOTING IN CALIFORNIA CITIES, 1900–1925

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In the last half-century attempts have been made to isolate and investigate the problem of voting. So numerous and varied are the aspects of the subject, that up to the present time no complete survey has been made. Many phases have scarcely been touched, while few, if any, have been studied adequately. Among the newer fields is voting in California cities in the first quarter of the twentieth century. This is a problem which attracts our attention and stirs the imagination. The population of California, and particularly of California cities, has been growing by leaps and bounds during this period. Of course, some of her cities have been growing at a slow rate and a few have been losing population. In addition it should be noted that the people are coming and have been coming to California from many parts of the world, the old as well as the new. These facts only add to the interest and to the value of our general problem.

In attacking so complicated a subject as this, one is compelled at the very outset to limit himself in three respects: (1) the particular phase of the subject which is to be studied; (2) the particular field in which that phase is to be investigated; and (3) the particular period of time over which the investigation is to be extended.

The total vote cast for presidential electors (hereafter referred to as president), for governor, for congressman, for assemblyman, and for mayor is the phase of the general subject which will be studied in this connection. The citizens of California cities are interested in national and state as well as city elections and city problems.

Twenty-two cities are the field of this study. From the thirty largest cities according to the census of 1920, the first seventeen and five of the remaining thirteen were chosen. There are twelve from the northern part of the state and ten from the southern part. There are nine coast cities and thirteen interior ones. The population range is from around eight thousand to more than a million.

Restricting the study to the period from 1900 to 1925 is the third limitation. This was determined in part by an interest in the present century, in part by certain mechanical limitations such as availability of records and the meagre history prior to 1900 of some of the cities which are now important, and in part by the political history of California since 1900. The women of California voted in general elections for the first time in 1912. By placing the limits at 1900 and 1925 we include in our study the three presidential and gubernatorial elections prior to 1912 and the three subsequent to that year.

Summarizing, the study is limited in three ways:

1. Subject, total vote cast for president, governor, congressman, and mayor.
2. Location, twenty-two representative cities in California.
3. Time, the first quarter of the twentieth century.

The cities studied, their population in 1900 and in 1920, and their respective locations are presented in the table which follows:

City	Population		Location	
	1900	1920	North or South	Coast or Interior
Los Angeles	102,479	576,673	S	C
San Francisco	342,782	506,676	N	C
Oakland	66,960	216,261	N	C
San Diego	17,700	74,683	S	C
Sacramento	29,282	65,908	N	I
Berkeley	13,214	56,036	N	C
Long Beach	2,252	55,593	S	C
Pasadena	9,117	45,354	S	I
Fresno	12,470	45,086	N	I
Stockton	17,506	40,296	N	I
San Jose	21,500	39,642	N	I
Alameda	16,464	28,806	N	C
Vallejo	7,965	21,107	N	I
Santa Barbara	6,587	19,441	S	C
Riverside	7,973	19,341	S	I
San Bernardino	6,150	18,721	S	I
Bakersfield	4,836	18,638	N ?	I
Santa Ana	4,933	15,485	S	I
Pomona	5,526	13,505	S	I
Santa Cruz	5,659	10,917	N	C
Redlands	4,797	9,571	S	I
Santa Rosa	6,673	8,758	N	I

At least three well-marked stages in the analysis of this problem will be requisite to a complete study: (1) The facts of the voting record must be ascertained and arranged in series; (2) the series must be analyzed to determine the voting behavior or tendencies; and (3) an explanation must be sought for the voting behavior. Our work is limited to the first and second stages, the third must be worked out for us either by the psychologist who is interested in political science or by the political scientist who has been trained along the lines of psychology.

The widely separated and apparently unrelated facts, total votes cast for the five offices, have been brought together and arranged in series for each of the twenty-two cities. The population of each of our cities for each year since 1900 have been estimated. Also the voting population, i.e., the number of persons who could have voted on November 1 of each year, has been secured and arranged in series for each city. The cities have been classified according to population, voting population, and geographic location. And finally, the series, votes cast per thousand of the population, and the series, votes cast per thousand of the voting population, have been secured for the offices voted for in each city.

A further word must be said concerning the method used in estimating the populations of our cities. It is found that the series, total school enrollment (first to twelfth grades inclusive), parallels changes in the population more closely than any other annually compiled series. Interpolating between the known ratios of the census years, a series of ratios results, which when multiplied by the total school enrollment of the given year produces a fairly satisfactory estimate of the population of the city for that year. This method is applicable to California cities in this period.

Results

1. *Changes in Voting Behavior during the Period.*

In presenting the results of the study of changes which have taken place in voting during the first quarter of the twentieth century, it is necessary to divide the work into three sections: absolute voting, voting relative to population, and voting relative to voting population.

When absolute votes cast is the basis of the work it is found that during the period the fluctuations have been quite systematic. There have been seven presidential elections. Using the vote cast for the given office in the previous election as the base, changes in behavior can be considered effectively. Each of the cities in each of the subsequent elections might have cast approximately the same vote, or a larger vote, or a smaller vote when compared with the vote cast in the prior election.

First, we shall consider the votes cast for president. With the election of 1900 as the base for the 1904 election, the election of 1904 as the base for the 1908 election, etc., we have 132 possible resulting situations (22 times 6 subsequent elections). Nine city returns are not available. Of the remaining, 83 per cent of the possible situations are increases. In the election of 1920 the vote cast was markedly smaller than the vote cast in 1916. By omitting this election as a study based on the election of 1916, but not when it is the base for the study of the 1924 election, our trend appears all the more significant. Then 98 per cent of the possible relationships are increases. The trend in absolute voting for president is definitely upward in this period.

When the absolute vote cast for governor is considered, similar results appear. When the 1902 election is the base for the 1906, and the 1906 election is the base for the 1910 election, and having six elections for governor, there are 110 possible situations. Eight city records are not available, which results in giving 102 net comparisons. Seventy-six of these are increases. The election of 1918 when compared with the previous one (1914) shows a decrease on the part of twenty-one of the cities. The twenty-second one cannot be considered, as its data for 1918 is not accepted as accurate enough for this work. Omitting this election from our problem when based on the election of 1914, but not when it is a base for the election of 1922, eighty-two of the possible eighty-eight comparisons are increases when compared with the previous election. Thus the general trend in absolute voting for governor is upward.

Using the same method with the voting for congressman two-thirds of the possible comparisons are distinct increases when compared with the previous election; for assemblyman,

about 60 per cent are increases; and for the municipal elections between 60 and 65 per cent are increases.

The trend in voting behavior is distinctly upward in the period 1900–1925. The increases are most uniform in the case of votes for president.

When votes cast relative to the population is the basis, our period is divided into three sections or parts as far as trends are concerned, and into two parts from the standpoint of relation to the adoption of woman suffrage. Up to and including the election of 1910, there is a general decline in the relative vote cast for the different offices. In the second period (1912 up to and including 1916) there is an increase in the relative vote cast. Then, from 1918 to and including 1924, we have at first a decline from the previous period, followed by more or less random behavior on the part of the different cities toward different offices and in different elections.

The effect of the introduction of woman suffrage is presented in the table which follows:

City	Arithmetic Means of Votes Cast Per 1,000 of Population for President in election in 1900–04–08	1916–20–24	for Governor in election in 1902–06–10	1914–18–22
Fresno	166	244	157	234
Long Beach	163	340	130	264
Los Angeles	172	284	129	218
Pasadena	176	340	132	286
Pomona	197	343	146	314
Redlands	209	336	187	289
Riverside	191	303	167	291
Sacramento	218	306	197	336
San Bernardino	172	296	162	258
San Diego	199	309	167	264
San Francisco	171	288	134	244
San Jose	197	310	167	264
Santa Ana	203	344	198	322
Santa Barbara	189	285	185	243
Santa Cruz	195	335	194	354
Santa Rosa	213	339	209	347
Stockton	193	308	191	304
Vallejo	282	324	154	293

Voting behavior relative to population appears in three well-marked sections: a general decline prior to the adoption

of woman suffrage; an increase from 1912 to and including 1916; and following 1918 more or less erratic behavior.

When votes cast relative to the voting population is the basis, the situation can be shown best by giving a brief statement of the votes cast for president. There was a steady decline from 1900 to and including the election of 1912, followed by a general increase in 1916 over 1912. This in turn is followed by a decrease in 1920 when compared with 1916. Finally, there appears erratic behavior in 1924 when compared with the election of 1920.

The effect of the introduction of woman suffrage is again presented in table form. The same cities and the same elections are presented.

	Arithmetic Means			
	of Votes Cast Per 1,000 of Voting Population			
	for President in election in		for Governor in election in	
City	1900–04–08	1916–20–24	1902–06–10	1914–18–22
Fresno	508	428	492	412
Long Beach	545	490	432	382
Los Angeles	576	443	421	341
Pasadena	625	501	461	423
Pomona	692	561	495	513
Redlands	694	560	619	480
Riverside	631	525	548	501
Sacramento	645	470	564	541
San Bernardino	585	537	545	465
San Diego	613	464	525	440
San Francisco	546	466	425	395
San Jose	688	527	673	553
Santa Ana	742	556	711	520
Santa Barbara	633	478	616	405
Santa Cruz	678	524	673	553
Santa Rosa	777	560	757	576
Stockton	617	422	509	421
Vallejo	696	506	630	452

It is to be noted that the vote cast relative to voting population is uniformly smaller in the period since the adoption of woman suffrage than it was prior to its adoption. The general trend is distinctly downward.

2. *Differences in Votes Cast for the Several Offices.*

The offices included in this section are president, governor, congressman, and assemblyman. The office of mayor could not be included as the material is not comparable.

First, what are the relations between the absolute votes cast for these four offices? By comparing the vote cast, office by office, at each election, the following results are obtained: in 92 to 93 per cent of the instances the absolute vote for president is larger than the vote for congressman, and in about the same percentage of instances it is larger than the vote cast for assemblyman; in about 85 per cent of the instances the vote for governor is larger than the absolute vote cast for congressman, and in more than 94 per cent of the instances larger than the vote cast for assemblyman; and in 69 per cent of the instances the vote for congressman is larger than the absolute votes cast for assemblyman.

It is to be further noted that the differences are greater in the later part of the period than in the earlier years. The increasing difference is most pronounced in the case of the comparisons made between president on the one hand and congressman and assemblyman on the other.

Before proceeding with the next phase a word must be said about the votes cast for mayor in relation to the votes cast in the general elections. Only three of the cities have had all their municipal elections in the even-numbered years. These three had theirs in the spring, at least five months prior to the general elections. Some of the cities have changed their program a number of times since 1900, some have not changed, but elect every three years, or every two years, alternating with the general elections. And finally, a number of the cities have the city commission or the city manager form of government. With these facts in mind, it can be seen that, at the present time, with our method and information, we are not able to present any definite results concerning the relations between the absolute or relative vote cast for mayor and the vote cast for the state and national offices.

3. *Measures of Voting Tendencies.*

It is one thing to determine the direction of trends and of tendencies, as is done in the previous sections, it is another to show the magnitude of these trends and to measure the tendencies. The aggregate vote cast relative to the aggregate voting population of each of the offices is measured. Also, the

vote cast relative to the voting population by some of our cities is measured.

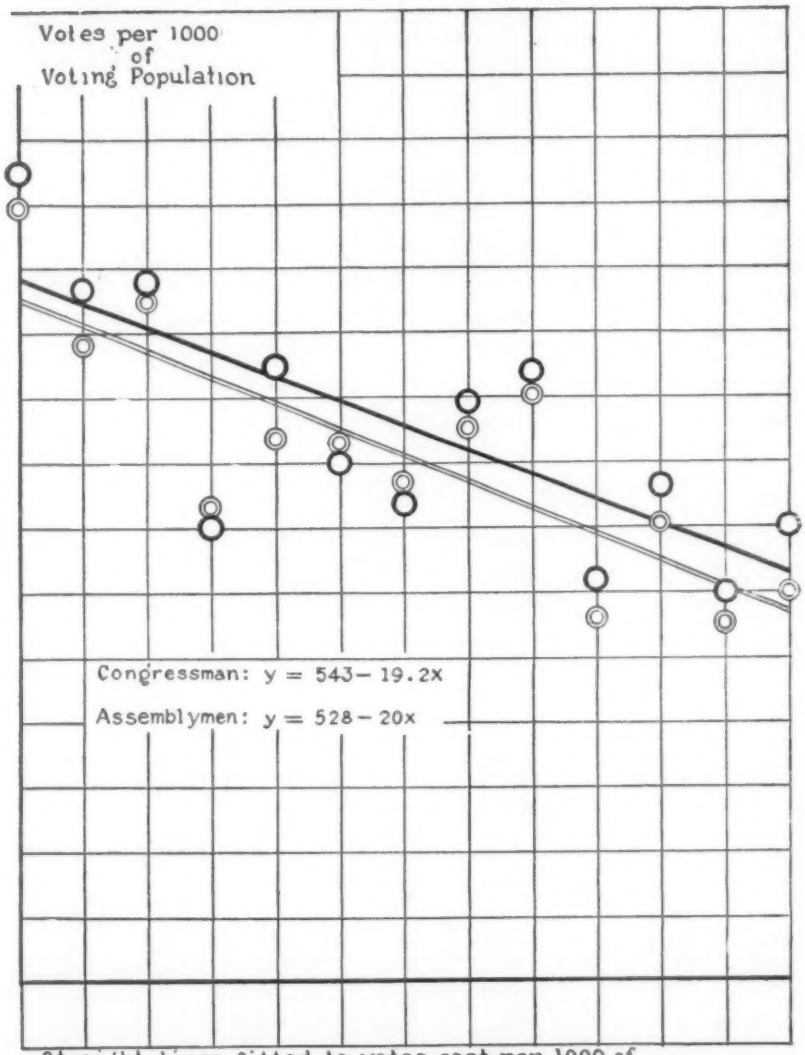
A fascinating problem awaits the person who is especially interested in this portion of the study. He might try fitting different curves to this material. But, for our purposes, where the period under consideration is short and where there are at present only a few terms in any of the series we shall confine ourselves to the method of "fitting a straight line" to our series. Furthermore, whatever the true character of the trend curve (assuming it has one) a section of it so short as that with which we deal would not sensibly deviate from a straight line.

For each trend line there are three significant data exhibited in the tables which follow, viz., the value of "a," of "a+nb," and of "b." That is, the ordinate (representing votes cast per thousand of the voting population) in 1900, the like ordinate in 1924, and the mean biennial change in votes cast per thousand of the voting population. The two accompanying graphs show the straight lines of best fit for the aggregate vote cast, in the twenty-two cities, relative to the aggregate voting population, for each of the four offices.

Values of a and of $a+nb$ in the equations of lines of best fit to votes cast per 1,000 of the voting population for—

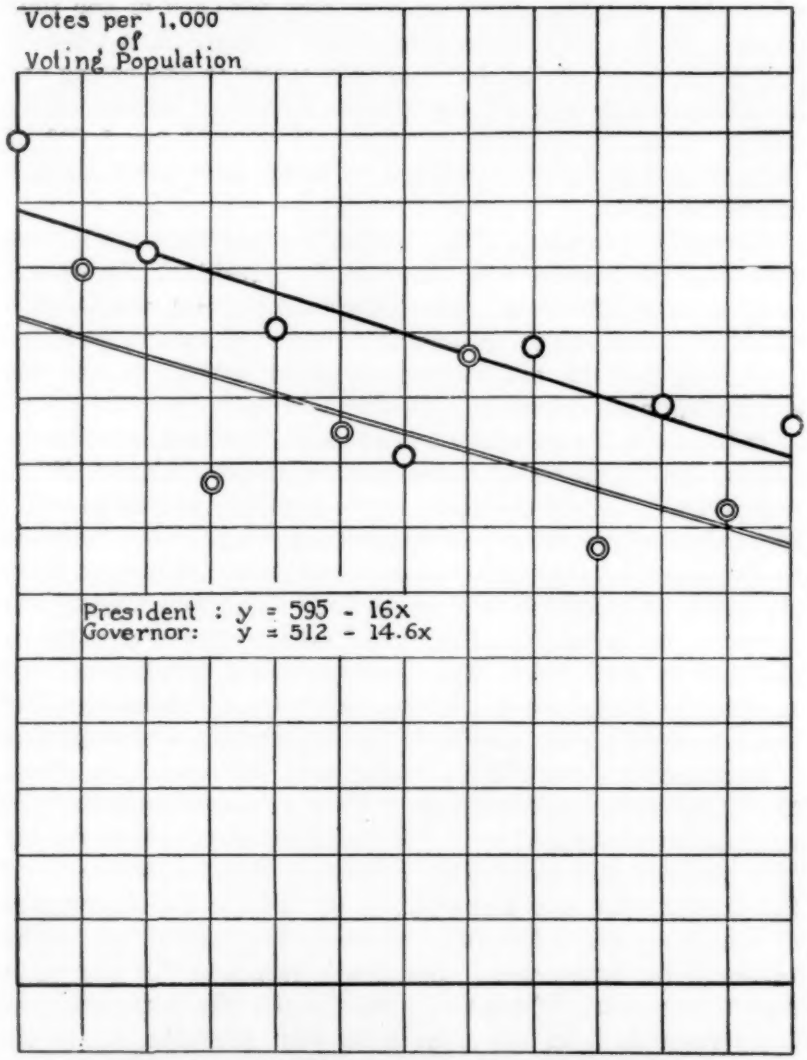
	President		Governor		Congressman		Assemblyman	
	a	$a+nb$	a	$a+nb$	a	$a+nb$	a	$a+nb$
Aggregate of cities	595	403	512	336	543	313	528	284
Cities								
Los Angeles	611	371	483	279	527	275	527	255
S. Francisco	569	413	457	353	516	288	480	280
Oakland	418	498	392	378	403	370	368	344
Long Beach	579	437	479	337	521	351	530	288
Pasadena	656	440	504	382	577	365	578	312
Berkeley	436	622	459	529	372	554	403	482
Stockton	548	378	574	358	545	313	541	299
San Jose	721	453	687	327	714	294	652	244
San Diego	641	401	597	367	602	326	615	267
Fresno	529	385	528	376	519	303	520	280
Santa Rosa	822	510	825	509	817	411	777	466

	Values of b in the equations of lines of best fit to votes cast per 1,000 of the voting population for—			
	President	Governor	Congressman	Assemblyman
Aggregate of cities	—16	—14.6	—19.2	—20
Cities				
Los Angeles	—20	—17	—21	—23
San Francisco	—13	— 8.6	—19	—16.6
Oakland	6.6	— 1.2	2.8	— 2
Long Beach	—12	—14.4	—14	—20
Pasadena	—18	—10	—18	—22
Berkeley	16	6	15	7
Stockton	—14	—18	—19.4	—20
San Jose	—22.3	—30	—35	—34
San Diego	—20	—19	—23	—29
Fresno	—12	—12.6	—18	—20
Santa Rosa	—26	—26.4	—34	—26



Straight lines fitted to votes cast per 1000 of voting population in 22 California Cities for Congressman and for Assemblyman Elections, 1900-1924

For Congressman.
For Assemblyman.



Straight lines fitted to votes cast per 1,000 of voting population in 22 California Cities for President and for Governor. Elections 1900-1924.

For President.
For Governor.

First to be noticed, is the fact that "b" is a minus term, when observing the aggregate vote cast for each of the four offices. In this connection attention is also called to the fact that the amount of the decrease is greatest in the voting for assemblyman, next for congressman, and least in the voting for governor. The range is from—16 to —20 per 1,000 of the voting population per biennial period from 1900 to and including 1924.

Second, in considering "a" on the first ordinate (1900) we note that the largest vote was cast for president, the second largest for congressman, and the smallest for governor. On the other hand, on the ordinate for 1924 the largest vote is for president, but the second largest is for governor, and the smallest is assemblyman.

Third, after studying the behavior of cities presented in the tables, the following points should be noted. All the cities, except Oakland and Berkeley, give negative values for "b." The spread of the values of "b" extends from +16 in the case of Berkeley to —35 in the case of San Jose. However, Oakland and Berkeley are two of the four cities with incomplete records. With both Oakland and Berkeley it was possible to go back to 1908 only. The elections prior to 1908 are not included in their series. If the data for all the elections of these two cities were available, the trends might be negative.

Furthermore, it will be noted that in measuring these changes and in evaluating the ordinates, our cities behave in an individualistic manner. No two have identical values for "a" nor for "a+nb." The values of "b" for the city of Los Angeles are above the values of "b" for the aggregates of the cities, while for San Francisco they are all below the values of the aggregates. Stockton's values of "b" are quite close to the values of the aggregates, while San Jose, which in many respects is in the same class with Stockton, shows its values to be considerably above the values of the aggregates.

4. *Geographic Location.*

On the basis of location our cities can be classified as northern and southern cities, or as coast and interior ones. Using both classifications we have the following:

North Coast	North Interior	South Coast	South Interior
San Francisco	Santa Rosa	Santa Barbara	Pasadena
Oakland	Sacramento	Los Angeles	Pomona
Berkeley	Stockton	Long Beach	Santa Ana
Alameda	Fresno	San Diego	Riverside
Vallejo	San Jose		San Bernardino
Santa Cruz			Redlands

Bakersfield? North or South Interior

The results show that the "North Coast" cities cast a larger relative vote for the four offices considered than do the "South Coast" cities, when population is the base and also when voting population is used as the base. The "Interior" and the "Northern" cities cast a larger vote for governor, regardless of which of the two bases is used. On the basis of population the "Northern" cities cast a larger vote for president than do the southern, but when voting population is the base then just the opposite is true. For congressman, regardless of the base, the "Interior" cities cast a larger vote than do the "Coast" ones. However, these differences are so small that the results do not have any significant value.

Still another classification is used in this examination of geographic location. The cities were ranked according to the distance (miles) from their nearest economic center—Los Angeles or San Francisco. Various studies were then made to determine the relation, if any, which existed between the size of the relative vote cast and the relative distance from the economic center. The result of this study shows practically no correlation whatever between the two phenomena.

This problem of location has yielded the smallest return as far as results are concerned. The geographic location of a city in California does not seem to affect to any appreciable extent the voting behavior of the city.

5. *Voting and the Size of the City Population.*

By classifying the cities on the basis of the vote cast it is found that there are no significant differences in the ranking of them from a classification based on the size of the population. The degree of correlation between the series, cities ranked according to absolute vote cast for president and for governor, and the series, cities ranked according to the size of the population, can be definitely placed at +.9 or better.

The municipal series appear more erratic, but they show the same general trend, the larger the city the larger the absolute vote cast.

Before we can proceed any further with this part of the work it is necessary for us to classify our cities. Three classifications are devised. The second classification calls for three classes of cities: large cities—above 100,000, medium-sized cities—25,000 to 100,000, and small-sized cities—below 25,000. The third classification is like the second except that the second line is drawn at 10,000 instead of at 25,000. The first classification is the combination of the second and the third plus a division at 50,000. The classifications follows:

First		Second		Third	
Class A	Over 100,000	Class A		Class A	
B	50,000 to 100,000		BC		BCD
C	25,000 to 50,000		DE		E
D	10,000 to 25,000				
E	Below 10,000				

At each election each city is classified according to its population and also according to its voting population. On the basis of population Long Beach is in 1900 in class "E," in 1908 in class "D," in 1914 in class "C," in 1920 in class "B," and in 1924 in class "A." It must be further noted that at one election there may be nine cities in class "C" and two in class "B," and at a later election just the opposite may be true. There is no fixed number of cities in the classes.

When votes cast per 1,000 of the population is the base, all three classifications show an upward trend as the eye travels from class "A" to "B" and so on to and including class "E." This is true of each of the four offices considered. The trend appears most clearly when the third classification is used and least when the first one is used as the basis. In the second place, very few instances appear where the voting is not smallest in class "A,"—only a few where it is not largest in class "E." Thirdly, there is only one instance in which class "E" does not cast a larger relative vote than when classes "E" and "D" are combined as in the second classification. And lastly, the trend appears to be more pronounced in the series of votes cast for president and for governor than in the series of votes cast for congressman and assemblyman.

When voting population is the base, the trend upward is more pronounced than it is when population is the base. This

is true in the case of all the classifications and for all four of the offices. The smaller the city, based on voting population, the larger the vote. Again, this is most clearly shown by the third classification, where there are no exceptions in any of the series. In the second place, there are very few instances in which the vote cast is not largest in class "E" and smallest in class "A." Third, the upward trend appears to be about the same in the series representing the votes cast for each of the four offices. Lastly, the shifting of the cities from one class to another does not affect the position of the classes in relation to each other.

CONCLUSIONS

One must bear constantly in mind the fact that the conclusions are applicable to the State of California, to the Pacific Coast, to the West, or to the United States in general, only in so far as the twenty-two cities are representative of the above-named areas. Primarily, then, these conclusions concern only the twenty-two cities studied. The same fact must be borne in mind when drawing conclusions for the period prior to 1900 or subsequent to 1925. They are sound only in so far as the period 1900–1925 is representative of prior and subsequent periods. Conclusions drawn from this study are, furthermore, applicable to the vote cast for other offices than the five included in this study only to the degree in which voting for these five offices is representative of voting for elective offices in general.

Subject, then, to the above qualifications, we conclude that—

1. The trend of absolute voting has been upward during this period.
2. The trend of votes cast per 1,000 of the population has been downward from 1900 to 1912, upward from 1912 through 1916, and more or less erratic since the election of 1916.
3. The trend of votes cast per 1,000 of the voting population has been distinctly downward.
4. The vote cast relative to population has been larger since the adoption of woman suffrage (1912) and the vote cast relative to the voting population has been smaller since the adoption of the amendment.

5. The largest vote cast in a given election will be cast for president in general national elections, and for governor in general state elections, the smallest vote will be cast for assemblyman. The vote is usually larger for president than for governor.

6. The differences between the votes cast for the various offices are larger at the end of the period than at the beginning.

7. The fluctuations in voting from one election to the next have been quite systematic.

8. Geographic location is a minor factor in affecting the voting behavior of cities.

9. From the standpoint of absolute voting, the larger the city the larger the vote.

10. However, from the standpoint of votes cast per 1,000 of the population or of the voting population the reverse statement is true, the smaller the city the larger the vote.

11. The shifting of cities from one class to another does not affect the position of the classes in relation to each other.

12. As a city becomes larger in voting population the relative vote cast becomes smaller.

13. Cities whose voting population remains comparatively stationary throughout the period (or increases at a very low rate) cast a smaller relative vote in the later elections than in the earlier ones.

14. As a result of combining conclusions 11, 12, and 13 the inference can be made that relative voting decreases at a more rapid rate in rapidly growing cities than in slowly growing or stationary ones.

15. And, if our findings concerning relations between the relative size of the vote and the size of the population in these California cities can be shown to be generally applicable to cities throughout the country, it is hard to escape the inference that the political systems established by our forefathers in the days of villages and farms may no longer be fitting in these days of great cities. At least it would appear that it is time for us again to examine our institutions to determine whether they are giving us the service expected of them, and whether our democratic ideal in the field of voting is in harmony with the present American economic and social order.

And finally, as one tries to deal with a given problem or make a particular study, other problems and questions, other sets of phenomena, and other concepts appear at one time or another. These must not be lost nor forgotten, for they have their place. A part of the value of making a study of this kind lies in its effectiveness in opening up other problems and in showing the relationships which exist between this and other problems.

The prosecution of this study has suggested to the writer a number of related problems which might be profitably examined. They are divided into two groups, for research and for theory. A few of the more important ones in the first group are: the causes back of voting for different offices and at different elections; the study of rural voting; the improvement of methods; the analysis of voting on constitutional amendments, initiative and referendum measures; the relation of the vote cast to campaigns, expenditures, and publicity: and methods for determining precinct boundaries, areas, and the locations of the polling places in the precincts.

In the second group, a big question is immediately asked,—How does this situation of voting behavior affect our concepts of democracy, or representative institutions, of government, of universal suffrage, and of leadership and control in a democracy? In other words, is democracy compatible with large cities and rapidly growing urban areas?

INTERSTATE BRIDGES AND THE COMMERCE CLAUSE

BY CHARLES M. KNEIER

University of Nebraska

The demarcation of federal and state power in the regulation of commerce has been referred to as "the most perplexing problem of American constitutional law."[1] In considering the regulation of a particular kind of commerce the question arises as to whether it belongs in the field in which the power of Congress is exclusive; in the field in which the authority of the state is exclusive; or in that field in which the state may act in the absence of legislation by Congress.[2] The Supreme Court of the United States has pointed out that it will not undertake to fix an arbitrary rule by which the line separating the powers of the state from the powers of the Federal Government must be fixed but holds that it will settle each case as it arises on the particular facts and merits.[3]

In discussing the relation between the states and the National Government in the regulation of interstate commerce in the *Minnesota Rate Cases*,[4] Justice Hughes held that "as to those subjects which require a general system or uniformity of regulation the power of Congress is exclusive" while in "other matters, admitting of diversity of treatment according to the special requirements of local conditions, the states may act within their respective jurisdictions until Congress sees fit to act." The court pointed out that when Congress does act, "the exercise of its authority overrides all conflicting state legislation."

The questions presented in the case of interstate bridges[5] are as to whether the courts, in the cases which have been

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[1] *People* v. *Downs*, 136 N.Y.S. 440, 1911.

[2] *Southern Railway Co.* v. *Reid*, 222 U.S. 424, 1912.

[3] *Wabash, etc., Railway Co.* v. *Illinois*, 118 U.S. 557, 1886.

[4] 230 U.S. 352, 1913. Also see the earlier cases of *Gibbons* v. *Ogden*, 9 Wheat. 1, 1824; *Willson* v. *Blackbird Creek Marsh Co.*, 2 Peters 245, 1829; *License Cases*, 5 How. 504, 1847; *Cooley* v. *Port Wardens*, 12 How. 299, 1851. ,

[5] That an interstate bridge is an instrumentality of interstate commerce has been settled beyond dispute by decisions of the courts. For a discussion of this question see *Covington and Cincinnati Bridge Co.* v. *Kentucky*, 154 U.S. 204, 1894.

before them, have considered bridges to belong in the field in which the power of Congress is exclusive, or have they been considered to belong in that field in which the state may act in the absence of legislation by Congress. According to the holding of the courts, does the subject of interstate bridges require a general system or uniformity of regulation and over which the power of Congress is exclusive, or does it admit of diversity of treatment according to the special requirements of local conditions so that the states may act within their respective jurisdictions until Congress sees fit to act? If interstate bridges belong in that field where the states may act in the absence of the exercise of congressional authority, what, if any, has been the extent of the action thus far taken by Congress, and what is the nature of the power still permitted to the states?[6]

"The paramount power of regulating bridges that affect the navigation of the navigable waters of the United States is in Congress. It comes from the power to regular commerce with foreign nations and among the states."[7] The Supreme Court of the United States has held that the power of Congress to regulate and impose requirements upon companies which erect bridges across the navigable waters of the United States is based on the power to regulate commerce.[8]

During the Civil War Congress passed its first law which affected to an appreciable degree the subject of interstate bridges. This provided that any person or corporation owning or operating any bridge authorized by law to receive toll for the transit of passengers or freight over such bridge should

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[6]For cases upholding the power of Congress over navigable waters for the purpose of regulating and improving navigation see: *Gilman* v. *Philadelphia*, 3 Wall. 713, 1866; *Newport and Cincinnati Bridge Co.* v. *United States*, 105 U.S. 470, 1882; *Gibson* v. *United States*, 166 U.S. 269, 1897; *Scranton* v. *Wheeler*, 179 U.S. 141, 1900; *United States* v. *Chandler-Dunbar Co.*, 229 U.S. 53, 1913; *Greenleaf-Johnson Lumber Co.* v. *Garrison*, 237 U.S. 251, 1915.

[7]*Newport and Cincinnati Bridge Co.* v. *United States*, 105 U.S. 470, 1882; *Miller* v. *Mayor of New York*, 109 U.S. 385, 1883.

[8]*Leovy* v. *United States*, 177 U.S. 621, 632, 1899; 21 *Opinions of the Attorneys General* 430, 1896; 22 *Opinions of the Attorneys General* 332, 1899.

pay a duty of 3 per centum on the gross amount of all of their receipts of every description.[9]

With the passage in 1884 by Congress of an act authorizing the Secretary of War to require changes in bridges over the navigable waters of the United States, when he had good reason to believe that such bridge was an obstruction to free navigation, there is the beginning of a policy of active supervision over the construction of such bridges.[10]

In 1888 an act was passed on the subject of bridges, providing than whenever the Secretary of War should have good reason to believe that any railroad or other bridge then constructed, or which might thereafter be constructed over any of the navigable waters of the United States, was an obstruction to navigation by reason of insufficient height, width of span or otherwise, it was his duty to order the person or corporations owning or controlling the bridge so to alter the same as to render navigation free and easy and to prescribe a reasonable time in which such alterations were to be made.[11] Penalties were provided for failure to comply with the orders of the Secretary of War. By acts of 1899 and 1906 Congress went still further in the supervision of the actual construction of interstate bridges.[12]

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[9]12 *Stat. at L.* 468; for other similar laws by Congress during the war period and the years immediately following see: 13 *Stat. at L.* 275; *ibid.*, 478; 14 *Stat. at L.* 135; *ibid.*, 475.

[10]23 *Stat. at L.* 148. This was the first general law which clothed the Secretary of War with such power. *United States* v. *Pittsburgh and L. E. R. Co.*, 26 Fed. 113, 1886. An act of 1882 required parties owning or operating bridges over any navigable rivers to keep such lights on their bridges as might be required by the Light-House Board for the security of navigation.

[11]25 *Stat. at L.* 424. Also see 26 *Stat. at L.* 453; 30 *Stat. at L.* 1153. Requiring alterations to be made to a bridge to secure navigation against unreasonable obstructions, when done by the Secretary of War acting within the scope of his power, is not a taking of private property for public use within the meaning of the Fifth Amendment to the Constitution. *Union Bridge Co.* v. *United States*, 204 U.S. 364, 1907; *Monongahela Bridge Co.* v. *United States*, 216 U.S. 177, 1910; *Hannival Bridge Co.* v. *United States*, 221 U.S. 194, 1911; *Louisville Bridge Co.* v. *United States*, 242 U.S. 409, 1917. However, compensation must be paid for the upland taken. *United States* v. *Chandler-Dunbar Co.*, 229 U.C. 53, 1913.

[12]For consideration of these statutes see following section on Authority to Construct Interstate Bridges.

The Act to Regulate Commerce of 1887 indirectly affected the subject of interstate bridges. The act provides that the term "railroad" as used therein shall include all bridges used or operated in connection with any railroad.[13] Where a railway company, by contract with a bridge company, acquires the use of an interstate bridge, the act regards the railway company as the owner or operator of the bridge, and as to all goods transported over it by the railroad, it and not the bridge company is regarded as the common carrier.[14] Such a bridge company is not either in law or in fact a common carrier of interstate traffic within the meaning of the act.[15]

Authority to Build Interstate Bridges

In a case before it in 1845 the Superior Court of Judicature in New Hampshire upheld the power of state legislatures to authorize the construction of bridges over interstate rivers if the powers and actions of the United States interpose no objection. The grant of power to Congress to regulate commerce does not of itself operate to restrain the states from authorizing the construction of such structures if no actual legitimate legislation is contravened, according to the holding of the court in this case.[16]

The Supreme Court of the United States has also considered this to be a concurrent power and has upheld the validity of state legislation authorizing the erection of such bridges.[17] But the court has pointed out that even in the matter of building a bridge, if Congress chooses to act, its action necessarily supersedes the action of the state.[18]

Bridges erected under the sanction of a state are considered to have been built with knowledge of the paramount power of

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[13]Sec. 1.

[14]*Kentucky and Indiana Bridge Co.* v. *Louisville & Nashville Railway Co.*, 37 Fed. 567, 1889.

[15]*Ibid. Cf. Enterprise Transportation Co.* v. *Pennsylvania Railroad Co.*, 12 I.C.C.R. 327, 1907.

[16]*Dover* v. *Portsmouth Bridge*, 17 N.H. 200, 1845.

[17]*New Orleans, Mobile & Texas Railway Co.* v. *Mississippi*, 112 U.S. 12, 1884.

[18]*Pennsylvania* v. *Wheeling and Belmont Bridge Co.*, 18 How. 421, 1855; *Cardwell* v. *American Bridge Co.*, 113 U.S. 205, 1885.

Congress and subject to the future use by Congress of its constitutional power; an act of Congress empowering the Secretary of War to require changes or alterations to be made is valid, and the silence of Congress when the bridge was constructed imposes no obligation upon the United States to make compensation for the alterations required.[19] When Congress declares a bridge over the navigable waters of the United States to be an unlawful structure, no legislation of a state can make it lawful.[20]

By the time of the Covington and Cincinnati Bridge Case (1894), as was pointed out by the Supreme Court, "the building of bridges over waters dividing two states is now usually done by congressional sanction."[21] In 1889, by act of Congress, it was made unlawful to construct or begin the construction of any bridge over any navigable river of the United States until the consent of Congress was obtained and until the plans had been submitted to, and approved by the Chief of Engineers and the Secretary of War.[22] The act provided that such a structure might be provided under authority of the legislature of a state, if it was across a river, the navigable portions of which lie wholly within the limits of a single state.[23] In such case, however, the location and plans were to

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[19]*Union Bridge Co.* v. *United States*, 204 U.S. 364, 1907; *Monongahela Bridge Co.* v. *United States*, 216 U.S. 177, 1910. *Cf. United States* v. *Keokuk and Hamilton Bridge Co.*, 45 Fed. 178, 1891; 22 *Opinions of the Attorneys General* 343, 1899.

[20]*Newport and Covington Bridge Co.* v. *United States*, 105 U.S. 470, 1881.

[21]*Covington and Cincinnati Bridge Co.* v. *Kentucky*, 154 U.S. 204, 1894.

[22]30 *Stat. at L.* 1151. See *Opinions of Attorneys General* 332, 1899. For act of Congress dealing with the subject of draw-bridges see 28 *Stat. at L.* 362.

[23]An act of 1890 provided that no bridges be constructed under authority of a state legislative act where the waters were not wholly within the limits of such state. 26 *Stat. at L.* 454. The United States District Court for the District of New Jersey pointed out in the case of *City of Newark* v. *Central Railroad Co. of New Jersey*, 287 Fed. 196, 1923, that "For many years the states, unhampered by Congress, authorized the construction of bridges over navigable waters lying entirely within their confines. From an early date the state has been recognized as the source of authority in the absence of action by Congress." See *Willson* v. *Blackbird Creek Marsh Co.*, 2 Peters 245, 1829; *Escanaba Transportation Co.* v. *Chicago*, 107 U. S. 678, 1883.

be submitted to, and approved by, the Chief of Engineers and the Secretary of War before construction was begun.

In an act of 1906 to regulate the construction of bridges over navigable waters there was a similar requirement of the consent of Congress and approval of the plans by the Secretary of War, and by the Chief of Engineers. The act further provided that if tolls be charged for transit over any such bridge, the charges shall be reasonable and just, and the Secretary of War may from time to time prescribe the reasonable rates of toll for transit over such bridge.[24]

Power of States to Tax Interstate Bridges

The power of the states to tax the property of a bridge constructed over a river between two states was considered by the Supreme Court of the United States in the Covington and Cincinnati Bridge Case.[25] After pointing out that "the building of bridges over waters dividing two states is now usually done by congressional sanction," the court held that "the states may tax the instruments of interstate commerce as it taxes other similar property, provided such tax be not laid upon the commerce itself." The court sustained the right of the states to tax interstate bridges "as other property of like description is taxed" but held that they had no right to tax such commerce itself.[26]

In upholding the power of the City of Henderson, Kentucky, to tax the property of a bridge company which spanned the Ohio River at that city, to low water mark on the Indiana shore, the property being within the city limits, the Supreme Court held that, "There is nothing in the suggestion that the taxation of the bridge is a regulation of commerce among the states, or is the taxation of any agency of the Federal Government."[27]

The right of West Virginia to tax that part of an interstate bridge which was within the state was upheld by the Supreme

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[24]34 *Stat. at L.* Part I, 85–86. This is known as the "Bridge Act."

[25]*Covington and Cincinnati Bridge Co.* v. *Kentucky*, 154 U.S. 204, 212, 1894.

[26]This proposition was first laid down in *Crandall* v. *Nevada*, 6 Wall. 35, 1868.

[27]*Henderson Bridge Co.* v. *Henderson City*, 141 U.S. 679, 1891.

Court in a case before it in 1898.[28] The bridge in question was built across the Ohio River between West Virginia and Ohio. "The fact that the bridge was an instrument of interstate commerece did not exempt so much of it as was within West Virginia from taxation by the state."

Having sustained the power of a state to tax the real property of an interstate bridge, the question was next presented as to the constitutionality of a state tax on the intangible property of such a company. In the case of the *Henderson Bridge Company* v. *Kentucky*,[29] the court held that the State of Kentucky "could properly include the franchises in the valuation of the company's property for taxation," and that this was clearly not a tax on the interstate business carried on over or by means of the bridge, "because the bridge company did not transact such business,"—that business was carried on by the persons and corporations which paid the bridge company tolls for the privilege of using the bridge. "The fact that the tax in question was to some extent affected by the amount of the tolls received, and therefore might be supposed to increase the rate of tolls, is too remote and incidental to make it a tax on the business transacted."[30]

In the case of the *Keokuk and Hamilton Bridge Company* v. *Illinois*,[31] the Supreme Court of Illinois held that a tax levied by the State of Illinois on the capital stock of a bridge which spanned the Mississippi at Keokuk was not a tax on franchises conferred by the Federal Government,[32] but on those conferred by the state, and as such not open to objection; the tax was not a tax on interstate commerce.

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[28] *Pittsburgh, Cincinnati, Chicago & St. Louis Railway Co.* c. *Board of Public Works of West Virginia*, 172 U.S. 32, 1898. *Cf. Liverpool Insurance Co.* v. *Oliver*, 10 Wall. 566, 1871.

[29] *Henderson Bridge Co.* v. *Kentucky*, 166 U.S. 150, 1897.

[30] Four Justices dissented on the grounds that the tax constituted a regulation of interstate commerce.

[31] 175 U.S. 626, 1900.

[32] The company was incorporated by an act of the General Assembly of Illinois. A similar corporation was organized under the laws of the State of Iowa and the two corporations consolidated with the main office at Keokuk. Authority to construct and maintain the bridge was granted the two companies by the Act of Congress of July 25, 1866. 14 *Stat. at L.* 244.

A street railway company whose tracks crossed and were confined to an interstate bridge between Missouri and Illinois was taxed under Missouri laws by valuing its physical property as such and adding a reasonable valuation of "all other property." A due proportion of the property was assigned to Missouri as the basis of the tax.[33]

In making the valuation, the value of the physical property was placed at $37,630 per mile and of "all other property" at $500,000 per mile. The total valuation of the property in Missouri was fixed at $186,019, of which $173,000 was included under the item of "all other property." The company claimed that "all other property" consisted solely of its franchise to conduct interstate traffic over the interstate bridge and that therefore the tax, so far as levied on the valuation placed on that property, was a direct tax and burden on the right to engage in interstate commerce and for that reason unconstitutional.

The court held that the tax could not be regarded as a direct burden upon the company's franchise to conduct its interstate traffic over the bridge, upon the ground that the "other property" valued consisted solely of that franchise, since it appeared that much of the value of the railway as a going concern was due to exclusive rights on the bridge and lucrative arrangements resulting from private contracts with other companies. This was unquestionably considered by the taxing authorities in making the valuation and the large valuation of the property of the company was derived "not from its mere franchise to do an interstate business" but from these exclusive rights to operate on the bridge and to connect with street railway lines.

The fact that Congress has authorized the building of a railroad bridge over a navigable river separating two states does not prevent the state from taxing it where Congress is silent on the matter.[34] The Supreme Court of Illinois has held that the Federal Government does not retain exclusive

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[33]*St. Louis & East St. Louis Electric Railway Co.* v. *Hagerman*, 256 U.S. 314, 1921.

[34]*People* v. *St. Louis*, 291 Ill. 600, 1920.

power of legislation on all matters pertaining to such a bridge and that the state authorities retain the power to tax it.[35]

Power of a State to Fix Rates over an Interstate Bridge

The power of a state to fix rates for the transportation of persons and property over an interstate bridge was questioned in the Covington and Cincinnati Bridge Case on the grounds that it was an undue interference with interstate commerce.[36] This company, which operated a bridge across the Ohio River between Covington, Kentucky, and Cincinnati, Ohio, was fined for the violation of a Kentucky statute fixing the rates of toll that might be charged. The case was carried to the Supreme Court of the United States which held that the bridge was an instrument of interstate commerce and that the act of the Kentucky Legislature was unconstitutional because it constituted an undue interference with interstate commerce.

The case involved the power of one state to fix the charges for the transportation of persons and property over a bridge connecting it with another state, without the assent of Congress or such other state. The court pointed out that the State of Kentucky had attempted to fix the rates of toll not only for persons crossing from Kentucky to Ohio, but also from Ohio to Kentucky; this nullified the corresponding right of Ohio to fix tolls from her own shore. This, the court held, constituted "an attempted regulation of commerce which it is not within the power of the state to make."

The decision seemed clearly to establish the principle that in the absence of mutual action, neither state could regulate tolls on an interstate bridge built pursuant to the concurrent action of the two states. The opinion of the majority of the court seemed to indicate that the state had no power to regulate the rates of toll over such a bridge in any case, regardless

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[35]Also see *People* v. *St. Louis Merchants Bridge Co.*, 291 Ill. 95, 1920, where the state taxed the property of another interstate bridge across the Mississippi River at St. Louis.

[36]*Covington and Cincinnati Bridge Co.* v. *Kentucky*, 154 U.S. 204, 1894. Also see *Covington and Cincinnati Elevated Railroad and Transfer and Bridge Co.* v. *Kentucky*, 154 U.S. 224, 1894, which involved the same question.

of the use of mutual action.[37] But in the separate opinion of the four Justices, who concurred in the result,[38] it was stated that "the several states have power to establish and regulate ferries and bridges, and the rates of toll thereon, whether within one state or between two adjoining states, subject to the paramount authority of Congress over interstate commerce."[39]

The same question was brought before the Court of Appeals of Kentucky in 1917 in the case of the Broadway and Newport Bridge Company, operating between Newport, Kentucky, and Cincinnati, Ohio.[40] Kentucky had fixed one rate of fare for foot passengers while Ohio had established a different rate. The bridge company was prosecuted for the violation of the Kentucky statute but the Court of Appeals held, on the basis of the decision of the Supreme Court in the Cincinnati Bridge Company case, that unless the states "joined in the enactment of legislation fixing like rates of toll for passage over this bridge" it would be contrary to the commerce clause.

The power of a state to prohibit the granting of passes for use over an interstate bridge was presented to the Supreme

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[37]"The authority of the state, so frequently recognized by this court, to fix tolls for the use of wharves, piers, elevators, and improved channels of navigation, has always been limited to such as were exclusively within the territory of a single state, thus affecting interstate commerce but incidentally, and cannot be extended to structures connecting two states without involving a liability of controversies of a serious nature" (p. 221). For a consideration of this point see *Port Richmond Ferry Co.* v. *Board of Chosen Freeholders*, 234 U.S. 317, 1914.

[38]They concurred on the grounds that the original act of incorporation constituted a contract between the corporation and both states, which could not be altered by one state without the consent of the other.

[39]Congress by act of February 17, 1865, declared this bridge "to be, when completed in accordance with the laws of the States of Ohio and Kentucky, a lawful structure," but made no provision as to tolls, and thereby, according to the holding of the four justices, manifested the intention of Congress that the rates of toll should be as established by the two states. 13 *Stat. at L.* 431. On the right of the City of Covington, Ky., to regulate the service and operation of street cars between Covington, Ky., and Cincinnati, Ohio, see *South Covington and Cincinnati Street Railway Co.* v. *Covington*, 235 U.S. 537, 1915.

[40]*Broadway and Newport Bridge Co.* v. *Commonwealth*. 190 S.W. 715, 1917.

Court of Appeals of West Virginia in 1919.[41] After considering the provisions of the Act to Regulate Commerce, the court held that Congress has not assumed jurisdiction over this question[42] and that the state had power to regulate traffic from its own shore in the absence of regulatory action by Congress. A prohibition of the issuance and use of passes over an interstate bridge does not burden interstate commerce either directly or indirectly.

The further question was presented as to the right of the state to prohibit the use of passes and apply this to round-trip tickets. Might the State of West Virginia extend its prohibition of the use of passes to round-trip tickets or only to that part of the trip from its own shore? The court held that the state could extend the prohibition to such round-trip passes since the "trip primarily emanates from this side, and we do not deem it a derogation of the regulatory authority of the State of Ohio to hold that our statute prohibits the use of such a pass on the bridge, not only on the trip from this shore to Ohio, but the return as well, the latter being an incident of the former, and the entire passage across and back being one primarily emanating from the West Virginia shore."[43] The court seems to go a step further than the Covington and Cincinnati Bridge Case in holding that a state may declare invalid the use of a pass from another state.

The Supreme Court of Oklahoma in a case before it in 1925 held that the State of Oklahoma could not prescribe the rates to be charged for transportation across a toll bridge spanning the Red River between Oklahoma and Texas.[44]

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[41]*Shrader* v. *Steubenville, East Liverpool and Beaver Valley Traction Company*, 99 S.E. 207, 1919.

[42]The Act to Regulate Commerce includes bridges used in connection with any railroad doing an interstate business; the bridge under consideration was used by a street railway but the Supreme Court has held that the term railroad as used in the Act does not include a street railway. *Omaha & Council Bluffs Street Railway Company* v. *Interstate Commerce Commission*, 230 U.S. 324, 1913.

[43]This question had been presented in the case of *Port Richmond Ferry Co.* v. *Board of Chosen Freeholders*, 234 U.S. 317, 1914, but was not decided.

[44]*Burkburnett Bridge Co.* v. *Cobb*, 233 Pac. 463, 1925. The Court based its decision largely upon *Covington and Cincinnati Bridge Co.* v. *Kentucky*, 154 U.S. 204, 1894.

After pointing out that all of the traffic over the bridge was interstate in nature, the court held that the State of Texas would have the same right to prescribe the rates of toll over the bridge as the State of Oklahoma, and that great confusion would arise by reason of the independent action upon the part of each state.[45] The action of the Corporation Commission of Oklahoma in fixing the rates of toll or fares across the bridge in question, constituted an undue and unreasonable interference with interstate commerce.

The power of Congress to fix rates of toll for interstate bridges under the commerce clause was considered by the United States District Court for the northern district of New York in the case of the *Canada Southern Railway Company* v. *International Bridge Company.*[46] While the case involved an international bridge built across the Niagara River pursuant to concurrent legislation on the part of Canada and of the State of New York, the court pointed out the broad scope of the power conferred upon Congress to regulate commerce and held that under the power conferred upon it by the commerce clause, Congress has the power to prescribe what compensation such a bridge shall charge for its use. This decision clearly sustained the power of Congress under the commerce clause to fix rates over interstate and international bridges.

Little or no use has been made by Congress of this power to fix rates over interstate bridges;[47] the extent of the power that may be exercised by the states in the absence of federal action is shown in decisions of the courts which have been considered.

The power of Congress under the commerce clause of the Constitution clearly gives it jurisdiction over interstate

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[45]The opinion does not state whether Oklahoma attempted to fix rates not only for transportation from Oklahoma to Texas but from Texas to Oklahoma.

[46]8 Fed. 190, 1881.

[47]The "Bridge Act" of 1906 provided that if tolls be charged for transit over a bridge across the navigable waters of the United States, they shall be just and reasonable, "and the Secretary of War may from time to time prescribe the reasonable rates of toll for transit over such bridge." 34 *Stat. at L.* Part I, 85–86. While this did not apply to all interstate bridges nor to interstate bridges only, but to bridges over navigable waters of the United States, it did apply to many interstate bridges.

bridges. Extensive use has not been made of this power other than in the regulation of construction. Jurisdiction over interstate bridges used by railroads has been conferred upon the Interstate Commerce Commission, the Act to Regulate Commerce providing that the term "railroad" include all bridges used or operated in connection therewith.

Congress has not seen fit, however, to exercise its power and fix the rates of interstate bridges; in the absence of the exercise of such power the courts have not sustained rate-fixing by the states to any marked degree. This is due largely to the interference in such case with the corresponding right of the other state to fix rates. In case of mutual action by the two states concerned it appears from the decisions of the courts that they would take a favorable attitude and that this would not be considered undue interference with interstate commerce. The fact that two states are involved in the case of interstate bridges has made possible only a limited degree of state regulation in the absence of action by Congress; the subject may "admit of diversity of treatment"[48] and "be most advantageously exercised by the states themselves"[49] but the corresponding right of the other state to regulate must not be nullified.[50]

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[48]230 U.S. 352, 1913.
[49]9 Wheat, 1, 1824.
[50]154 U.S. 204, 1894.

ATTITUDE OF THE UNITED STATES SENATE UPON GENERAL ARBITRATION TREATIES

BY EDITH DOBIE

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The recent attempts of the smaller states of Europe to revive the Protocol of the Assembly of 1924 and thus commit the members of the League of Nations to a pact of disarmament, security, and arbitration tends among other things to center attention upon arbitration as one of the peaceful means of settling international disputes. In spite of the reverse at Geneva it seems probable that arbitration will continue to be agitated by liberals and radicals throughout Europe; and in view of a growing interest in the subject, it may be timely to inquire as to the policy of the United States in regard to it and to consider the attitude of the Senate in formulating that policy.

"Arbitration treaties may be special or general; if special they include single controversies or agreements; if general they are framed to include all controversies, as they may arise." The latter type implies obligation upon the part of the signatory powers to send to arbitration every question provided for in the treaty; and it is this type which is included in the Geneva Protocol. In the matter of resorting to arbitration by special treaty the United States has had an enviable record; in the period between 1794, when provision was made in the Jay treaty for arbitration of three questions, and 1897, nearly fifty cases were settled by various arbitral boards and commissions.[1] But no general arbitration treaty was made during this period. Such a treaty had been recommended by the Pan-American Congress of 1889–90, and that same year the United States Senate passed a resolution urging the President to invite other nations to join the United States in treaties for arbitration of differences. In 1893 and 1895, respectively, the British House of Commons and the French Chamber of Deputies asked for such treaties with the United States. An

[1]United States, *Senate Document* No. 373, Vol. XXXVI, 62d Cong., 2d sess.

exchange of notes between the United States and Great Britain in regard to the matter was interrupted by the Venezuela boundary dispute, and President Cleveland's implied willingness to take up arms in establishing the just claims of the South American country aroused thoughtful citizens to the necessity of preventing in the future just such a situation as that in which the country was then involved. Meetings in the interest of peaceful means of settling international disagreements were held in the large cities throughout the country and a national conference on the subject held in Washington in 1896 passed resolutions asking for some permanent system of arbitration between the United States and Great Britain and "the earliest possible extension of such a system to embrace all civilized nations." Negotiations were resumed between the two governments, and on January 11, 1897, the convention known as the Olney-Pauncefote treaty was signed.

This treaty provided that the United States and Great Britain, for a period of five years, should submit to arbitration "all questions of difference between them" which they might fail to adjust by diplomatic negotiation. In questions involving a "principle of grave general importance" affecting the national rights of either party, and for all territorial claims the award was not binding unless given by a unanimous vote or by a 5–1 majority; in other cases a majority vote was sufficient to make the award final.[2]

Public opinion as expressed in meetings, petitions, and newspaper editorials supported ratification. A canvass by the New York *World* of newspaper editors, college presidents, mayors, churchmen, chambers of commerce, and New York City labor leaders seemed to show a preponderance of sentiment favorable to the treaty.[3] Nevertheless, the debate in the executive session, as reported by the newspapers, revealed a variety of objections,—the treaty was really an entangling alliance; its operation would endanger the Monroe Doctrine and might cause the loss of control of the Nicaragua Canal or

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[2]United States, *Foreign Relations*, 1896, pp. 236 ff. In all cases except pecuniary claims of less than £100,000, if the award were not unanimous, appeal might be made to a second board of five and a majority of that board made the award final.

[3]United States, *Senate Document* No. 63, Vol. IV, 55th Cong., 1st sess.

necessitate the arbitration of our right to abrogate the Clayton-Bulwer treaty; anything that England favored so strongly should arouse suspicion. The treaty was finally amended to exclude questions of honor, domestic and foreign policy, and the continuance of the operation of any treaty previously made, also to admit Senate participation in the agreement respecting each question submitted to arbitration. Even in this form it failed of ratification; the vote, taken May 5, 1897, was 43–26, 19 not voting.[5]

Secretary Olney attributed defeat to anti-Cleveland sentiment in the Senate and to the intention of Senator Lodge and others to "harass and coerce England into considering a programme of international bimetallism"; but the chief reason, in his opinion, was the determination of the Senate to encroach upon the prerogative of the Executive.[6] As a matter of fact, in this treaty the Secretary of State was attempting a decidedly advanced step. He was asking that practically every difference between the two parties be submitted to arbitration; and by omitting any provision for the Senate's ratifying the special agreements, he tried to make arbitration of all these questions compulsory. Moreover, as shown by the character of the tribunals,[7] arbitration was regarded as a judicial function—a theory which the Senate has been slow to accept.

The next attempt at a general arbitration treaty was the outgrowth of the first Hague Peace Conference. One of the conventions signed there by the representatives of the United States recognized arbitration as the most effective and equitable method of settling international disputes of a legal nature and reserved to the signatory powers the right to conclude treaties with a view to extending obligatory arbitration to all possible cases.[8] The Senate ratified this convention; and in accordance with it, Secretary Hay in 1904 and 1905 negotiated treaties with ministers of ten foreign countries. In these

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[5]New York *Tribune*, January 13–May 5, 1897, *passim*.

[6]Henry James, *Richard Olney*, p. 149.

[7]Territorial claims and questions of vital interests were to be decided by boards made up of members of the highest courts of both countries; all other cases went to boards made up of "jurists of repute."

[8]James B. Scott, *The Hague Conventions and Declarations of 1899 and 1907*.

treaties it was agreed that for a period of five years all questions of a legal nature or relating to the interpretation of treaties, except those affecting vital interests or national honor, should be referred to the Hague tribunal for arbitration and that in each case a special agreement submitting the question would be entered into.[9]

President Roosevelt let it be known that he did not intend to send the special agreements to the Senate for approval. Both he and Secretary Hay insisted that if the treaties were amended to provide for Senate ratification of these agreements they would cease to be what they were intended for—treaties of obligatory arbitration. As Roosevelt phrased it, they would become merely statements that the United States would agree to arbitrate whenever they agreed to arbitrate; and in such a form he said that he would refrain from asking the other powers to ratify them. Nevertheless, with many protestations of loyalty to the President and of grief at disregarding his wishes in the performance of their duty, the Senate amended the treaties by a vote of 50–9 to provide for each special agreement being sent to the Senate for ratification. Whereupon they were promptly shelved.[10] For a second time the progress of obligatory arbitration had been checked by the Senate's interpretation of its prerogative in matters of foreign policy.

In 1908 and 1909 Secretary Root, apparently acting upon the supposition that there was some advantage in being on record as willing to make arbitral agreements when occasion arose, negotiated general arbitration treaties with the representatives of twenty-seven foreign countries. The terms of these treaties were the same as those of 1904 and 1905 but with an added provision for Senate participation in each

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[9]J. B. Moore, "Treaties and Executive Agreements" in *Political Science Quarterly*, Vol. XX, pp. 385 ff.

[10]Shelby Cullom, *Fifty Years of Public Service*, pp. 353 ff. It was on this occasion that Secretary Hay wrote, "A treaty entering the Senate is like a bull going into the arena; no one can say just how or when the final blow will fall—but one thing is certain—it will never leave the arena alive." W. R. Thayer, *John Hay*, II, 393.

agreement submitting a case to the arbitral board.[11] Like all previous treaties they were for a term of five years only.[12] The Senate ratified them apparently without lengthy discussion. They were, however, in the opinion of John Bassett Moore, a backward step. The terms indicating the exceptions, namely "questions affecting vital interests, independence, or the national honor of the two contracting states," were, he said, the most comprehensive words of the treaties and the general, who on placing his troops in position directed their thoughts to retreat by pointing out a way of escape need not be surprised if they promptly took it. Moreover, he showed that the terms did not in the case of Great Britain measure up to actual practice; the Alabama case and the North Atlantic Fisheries case had both been questions involving national honor and yet had been settled by arbitration. If multiplication of arbitral agreements would change the opinion of a nation not inclined toward arbitration, he believed that the treaties might be beneficial; but they seemed more likely, he thought, to support the view that arbitration was suitable for trivialities but was out of place when things that mattered were in dispute.[13]

President Taft, who came into office just after the treaties were ratified, regarded them as mere expressions of good will and willingness to settle everything without war. The questions excluded from arbitration by the terms of the treaties were, he believed, the only questions about which a country was at all likely to go to war. He determined, therefore, to negotiate some new treaties which would include these very questions and which would bind the United States to arbitrate them when they arose.[14] Such treaties were finally negotiated with England and with France and signed August 3, 1911. With these two nations there was not the slightest probability of war; and with England, as has already been noted, the United States had already arbitrated questions of national honor.

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[11]United States, *Senate Document* No. 98, Vol. XXX.

[12]Twelve of these are still in existence and will come up for renewal in 1928 and 1929.

[13]J. B. Moore, "The Peace Treaties," in the *Independent*, Vol. LXXI, pp. 344–345.

[14]W. H. Taft, *United States and Peace*, p. 126.

The cases which the governments bound themselves to arbitrate were "all differences hereafter arising between the High Contracting Parties—relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right" and "which are justiciable in their nature by reason of being susceptible of decision by the application of principles of law or equity." The special agreement in each case was to be made on the part of the United States "by and with the consent of the Senate thereof." In the case of question between the contracting parties as to whether a difference was subject to arbitration according to the terms of the treaty, the matter was to be submitted to a high commission for decision. This high commission, unless some other arrangement was made by the governments involved, was to be composed of three Americans and three Englishmen or three Americans and three Frenchmen, as the case might be.[15]

The report of the Senate Committee on Foreign Relations was unfavorable to the treaties in the form negotiated and debate on the floor of the Senate revealed serious opposition. The most vigorous attacks were directed against the provision that a high commission should determine, in case of difference of opinion in the matter, whether a question fell within the terms of the treaty. This President Taft considered the most important feature of the treaty, since without it each party was free to claim a question not within the class provided for and thus able to withdraw it from arbitration. Senator Lodge, however, denounced the provision as a delegation of the power of the Senate and therefore in violation of the Constitution of the United States.[16] In reply to this, Secretary Knox, who had negotiated the treaties, stated that if the Senate had the power to agree to submit future differences to arbitration—and it had certainly exercised that power again and again—it could undoubtedly agree to submit to a high commission the question of whether a certain difference came

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[15]United States, *Senate Document* No. 476, Vol. XXXVII, 62d Cong., 2d sess.

[16]United States, *Senate Documents* No. 98, Vol. XXX, 62d Cong., 1st sess; No. 353, Vol. XXVI, 62d Cong., 2d sess.; No. 298, Vol. XXXVI, 62d Cong., 2d sess.

within the terms of a treaty. In short, he argued that the commission would be not an agent but a tribunal. This view was supported by President Taft, but the Senators in opposition were not convinced. Everyone who spoke against the treaties in the form sent to the Senate emphasized both the unconstitutionality and the unwisdom of letting anyone except the President and the Senate determine the interpretation of the treaty.

The unwisdom of this provision was stressed even more than its unconstitutionality. Apparently granting constitutionality for the sake of argument, Senator Lodge enumerated the questions that foreign nations would hasten to bring to arbitration if it were left to a high commission to decide what subjects were included within the class covered by the treaty. Among these were: right to control Asiatic immigration; right to prevent on the ground of the Monroe Doctrine a foreign power's seizing a harbor on the western coast of Mexico or buying an island at the mouth of the Panama Canal for a naval station; title to the canal; right to fix tolls for its use. None of these issues, said Mr. Lodge, would any nation on earth think of raising with us, except under the proposed treaty. In vain, Secretary Knox urged that it would be well not to overlook the fact that these treaties were being negotiated with and would be carried out by self-respecting nations.[17] The Senators following Mr. Lodge in debate feared the arbitration not only of these questions but of many others beside, for example, the right of the United States to control Cuba in selling land for a naval station to England, France, or Germany; a fisheries treaty with Canada which had recently failed of ratification because it was unfair to the United States; construction of the Webster-Ashburton treaty (Senator Root explained that under the existing treaty of 1908 the United States was already bound to arbitrate just such a question); claims for payment of repudiated debts of southern states (the treaty provided for arbitration of "differences hereafter arising" between the "contracting parties" "relating to international matters").[18]

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[17] *Idem.*

[18] *Congressional Record*, Vol. XLVIII, pp. 2870, 2871, 2877, 2880, 2881, 1168 ff.

Secretary Knox in considering the possibility of the United States being forced to arbitrate such matters as the Monroe Doctrine, exclusion of immigrants, etc., declared that they were questions of policy and therefore non-justiciable. It was, he said, inconceivable that any nation should suggest them for arbitration and not worth while to speculate as to what might happen if they did.[19]

Senator Hitchcock was confident that the treaty with Great Britain was only the first step in an alliance with that country and that the power forcing the treaties upon the Senate was the power of Andrew Carnegie's millions. Senator Heyburn looked into the future when these treaties should be extended to other nations, and asked his colleagues "to imagine Japanese and Turks constituting two-thirds of the membership of a tribunal deciding the destiny of the United States." It would seem, too, that the opposition was not entirely confined to these particular treaties; some were not enthusiastic about the principle of arbitration. Senator Bailey thought bloodletting sometimes good for a nation, and Senator Heyburn reminded his hearers that Washington had not arbitrated with England but had drawn his sword and won his cause after eight years of strife.[20]

Mr. Lodge also objected to the language of the treaties. The phrase "claim of right" was, he said, a term entirely unknown to the best writers on international law; he was entirely in the dark as to what meaning a high commission or a Hague court might give to the word "justiciable"; and "law and equity" he explained, had no authoritative meaning in an international connection. Yet he seemed entirely willing to recommend the ratification of treaties written in such unsatisfactory language if he could only be sure that the separate cases of arbitration would be passed upon by the Senate.

Again Secretary Knox was most assuring, and interpreted the point as follows: The 1908 treaties had provided that the special agreement for an arbitration be sent to the Senate for "advice and consent." The Senate had ratified these 1908 treaties evidently believing that its constitutional power had

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[19]United States, *Senate Document* No. 298, XXXVI, 62d Cong., 2d sess.

[20]*Congressional Record*, Vol. XLVIII, pp. 2943, 2822, 2881, 2823.

been preserved. The pending treaties provided for Senate participation in language identical with that of the 1908 conventions; therefore the special agreement, whether formulated by the two governments because they thought the question arbitrable in the first place or after the high commission had reported it arbitrable, must be approved by the Senate.[21]

Among the staunchest defenders of the treaties as negotiated were Senators Root and John Sharpe Williams. On the day when ratification was voted upon, Mr. Root gave a logical and convincing interpretation of the proposed agreements. The use of the word "justiciable," he said, marked a distinction between questions which may be decided by a court of justice, and those of personal conduct in the case of an individual and national policy in the case of a nation. He did not see how a question involving the independence of a nation could be justiciable; one involving a vital interest might or might not be justiciable according to the specific instance; questions supposed to involve national honor would be for the most part justiciable. The much-discussed subjects of the Monroe Doctrine, immigration, etc., he declared matters of national policy and therefore non-justiciable. Since there were some who were disturbed about the Senate's right to participate in formulating all agreements, he favored an amendment stating that any agreement drawn up on recommendation of a high commission should be sent to the Senate for approval.

Senator Williams met the arguments against the treaties, many of which seemed to be based upon prejudices and technicalities, by an appeal to common sense and faith in mankind. The language, which Senator Lodge found so indefinite and confusing, he held definite and able to be understood by the average person. "Men," he said, "are awfully particular about binding themselves not to hurt one another and awfully careless about the sufficiency of the cause when the time comes, where there is an opportunity to hurt one another." Questioning the right to enter into general arbitration treaties when that right had long been established, and defining and refining the method of arbitration amounted, in his opinion, to saying, "I am willing to arbitrate anything in the world

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[21]United States, *Senate Document* Nos. 353, 298, Vol. XXXVI, 62d Cong., 2d sess.

in such a way that it will not be settled against me." What was needed, he said in concluding his formal speech, was that nations stand on as fine points of so-called honor concerning their duties to one another as they do concerning their rights.[22]

The opposition to the treaties upon the part of the general public seemed rather more vociferous than widespread. Both German-Americans and Irish-Americans declared the treaty with Great Britain to be the beginning of an alliance with that country against Germany. The intention of inviting other nations, including Japan, to join us later in similar arbitration agreements aroused organized labor in New York; it was claimed that such treaties would result in an influx of Asiatics. Another section of the American public in opposition was, as might have been expected, the militarists; but strangely enough the leader of this opposition was ex-President Roosevelt, 1906 winner of the Nobel peace prize, and joint-negotiator of the 1904 and 1908 treaties. Through the editorial columns of the *Outlook* he carried on his attack. General arbitration treaties, which in 1905 he had deemed important enough to be made an issue between him and the Senate, he now claimed were mere promises that appealed especially to sentimentalists. Permitting a high commission to decide the arbitrability of a question under the treaty he was sure was a delegation of the power of the Senate; in 1905 he had been equally sure that permitting the executive do that same thing was not a delegation of the power of the Senate.[23]

The press throughout the United States was almost unanimous in support of the treaties. Peace societies carried on active propaganda and popular endorsement seemed genuine and determined.

Nevertheless the Senate so altered the treaties before ratifying them that they were virtually defeated. The provision for the high commission to decide whether a question was arbitrable under the terms of the treaty was struck out; and five subjects were reserved from arbitration, namely, admission of aliens to the United States, admission of aliens to educational institutions of the several states, alleged indebted-

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[22] *Congressional Record*, Vol. XLVIII, pp. 2937 ff., 2825 ff.

[23] The *Outlook*, Vol. XCIX, pp. 66–76.

ness of any state, and the traditional attitude of the United States known as the Monroe Doctrine or any other governmental policy.[24] In this form President Taft refused to offer them to France and England for ratification. Permitting an impartial tribunal such as a high commission to decide whether a given question was in the class which the United States had agreed to arbitrate, the President considered a forward step in the cause of peace. With provision for this included, the treaty really bound the signatory powers to arbitration in the settlement of all justiciable disputes; and in this form it was hoped that they would be models to the world. But after the Senate had struck out the binding feature and "grid-ironed" them with specific and numerous conditions, in Mr. Taft's opinion, they were of no use in encouraging other nations to take a forward step in peaceful settlement of differences and were therefore laid aside.

The President gave as the real reason for defeating the treaties "an unwillingness to assent to the principle of arbitration without knowing in advance whether we were going to win or lose."[25] The chief causes of defeat, according to the newspapers, were two: the Senate's jealousy of its own prerogatives and political maneuvers on the part of opponents of the Taft administration. In connection with the latter it was declared that Democrats and dissatisfied Republicans were determined to show that President Taft had failed in everything, and they were therefore unwilling to permit him the advantage of having accomplished an important forward step in world peace.[26] Whatever the cause, it would seem that the active opposition of Senator Lodge was a decisive factor. He professed to base his objections upon the unconstitutionality of a part of the treaties, but he brought into his speeches many considerations which appealed to prejudices and old antagonisms rather than to proper desire on the part of Senators to protect their rights and perform their duties.

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[24]*Congressional Record*, Vol. XLVIII, pp. 2952–2955. The vote to strike out the provision for the High Commission's deciding whether a question must be arbitrated, was 42–40, nine not voting; for the reservations, 46–36, nine not voting; for ratification, 76–3, twelve not voting.

[25]W. H. Taft, *The United States and Peace*, pp. 126–129.

[26]*Current Literature*, Vol. LII, p. 275; The *Nation*, Vol. XCIV, p. 252. (Quotations from the press.)

He seemed to disregard entirely the possibility of public opinion being on the side of justice, and he assumed that the United States could pursue a course little affected by the affairs of European countries.

There were in all five general arbitration treaties sent to the Senate after 1897, namely, the Olney-Pauncefote treaty of 1897, the Knox treaties of 1904 and 1905, the Root treaties of 1908 and 1909, and the Taft treaties of 1911. An examination of the attitude of the Senate toward them shows that that body has consistently opposed granting to any arbitral board compulsory jurisdiction in any class of questions. Though the treaties were for five-year periods only, each effort at binding the United States in advance to permit every question in a given group to go automatically to arbitration as it should arise, has been thwarted by the insistence of the Senate that the special agreement for arbitration of such question must first meet with its approval. Moreover, as if to safeguard still more carefully the right of the Senate and the Executive to be judges in their own case in a matter of whether they had promised to arbitrate questions of a given nature, the Senate included in every treaty reservations of numerous questions from the application of the treaty.

The debates, as far as published, seem to reveal distrust of other nations, particularly England; fear of entangling alliances—if constant reiteration of their danger is any indication of fear; and a firm belief that the United States did not have sufficient relationships with Europe to justify a permanent system of arbitration with European countries.

It is difficult to believe, too, that each treaty was considered entirely on its merits as a question of foreign policy. Political considerations growing out of purely national affairs were a factor in the amendment or defeat of the several proposed agreements. Finally, the action of the Senate in rejecting the agreement or parts of them was contrary to the public opinion as far as expressed. The question may well be raised then as to whether the members of the body differed from their constituents simply because of wider knowledge of world affairs or because they were lagging behind public opinion in recognition of the needs of the time.

BOOK REVIEWS

EDITED BY O. DOUGLAS WEEKS

University of Texas

White, Leonard D. *The City Manager.* (Chicago: University of Chicago Press, 1927, pp. xvii, 355.)

Since the inauguration of the council-manager plan of city government about twenty years ago, we have had many studies of this type of city government, but most of them have dealt with an analysis and appraisal of the plan as a system of municipal government. Professor White abandons this traditional method of approach and contributes here a brilliant study of the manager as an administrative official. He is not interested in the council-manager plan of municipal government nor with the question whether the plan should be adopted by American cities. He undertakes the study as a problem of administration. His interest, therefore, is in the manager, "his office, his official relations, his technique, his personality." The environment and public relationships of the manager to the mayor, council, municipal administration, to the press, and to the public, are for the first time described and appraised.

In the preparation of his study Professor White spent five months in the field, visiting thirty-one manager cities in all parts of the United States, and addressing the managers at their annual convention in 1926.

The book is divided logically into two parts. The first five chapters contain sketches of the managers of Cleveland, Cincinnati, Kansas City, Missouri, Pasadena, and Dayton, Ohio, while in Chapter VI, "Some Leading City Managers," there are included studies of the managers of Stockton, California; Norfolk, Virginia; Berkeley, California; and Fort Worth, Texas. In these chapters different kinds of managers are studied under different types of situations and the effort is to focus attention on the manager in his environment, his training, personality, technique, and his philosophy of management. Especial attention is given to the relations of the manager to the mayor, the council, the administrative service, and to the press and the public. In his appraisal of the various managers Professor White is always the impartial and judicious critic, seeking the truth, bestowing praise and blame, pointing out good work and exposing mistakes, wherever needed. These chapters constitute a most interesting and illuminating part of the volume.

The last eight chapters of the book bring together the author's observations and conclusions on the city managers as a group of executives. In Chapter VII statistics are presented on the number of council-manager cities, the legal qualifications, age, occupational classification, salaries, and term of managers, together with comment on local and outside appointments. Chapter VIII presents briefly a characterization of the managers by some of the managers themselves and by other

competent observers. The remaining chapters of the book are devoted to a detailed discussion and analysis of the city manager, in his principal public relationships—to the charter, the council, and to the municipal administration—and to a study of the manager as a professional executive.

What are the general qualities of city managers? What has been their contribution to the science of administration? What of the future of the manager movement? Professor White finds the managers physically men under the pressure of continuous hard work, courageous in the discharge of their official duties, "practical" men, "doers" rather than "talkers," men with a rather narrow range of interest, preoccupied principally with physical construction to the neglect of the intellectual and moral interests of the community; not usually interested in the theory of municipal government or in administration as an art or science, nor in research; characterized on the whole as men of integrity in their official relationships, ready to accept responsibility, with generally admirable administrative records and devoted to the interests of the city as a whole. They possess an organized body of knowledge, a professional association, a code of ethics, distinct standards of professional conduct, but have not set up standards of admission to the profession based on achievement, ability, or loyalty to the ideals of the profession, nor have they set out the amount or kind of training preliminary for entrance to the profession. While managers have generally maintained high standards of administration they "have not made significant contributions to the art or science of management. Their ability to invent and contrive has often been illustrated in small matters but not in the larger strategy of management. The manager movement has raised standards of integrity in municipal administration, but it has not developed the practice of management in any noteworthy particular." A significant tendency is the movement toward a professional point of view.

The author believes that the council-manager movement is favored by certain fundamental tendencies in government—the consolidation of administrative power and responsibility, a preference for non-partisan, expert administration, a decline of the organized political party, and a demand for efficient public administration. On the other hand, he says that four difficulties confront the future development of the council-manager movement—the failure of the city council, the tendency of some managers to undertake civic leadership, the tendency to prefer local men for managers, and the lack of adequate facilities for the professional training of recruits for the manager position.

The book is abounding in information which Professor White has presented in a very attractive way. Photographs of most of the city managers studied, help the reader to visualize more fully these men whom the author has so graphically described. The style is clear, vivid, and readable. Very wisely there are added appendices giving a list of manager cities, list of cities erroneously called city manager cities and not included in the study, a statement of managerial practice in Berkeley, a

table giving the prior occupations of managers, and a selected bibliography. An excellent index is a useful feature of this useful book.

FRANK M. STEWART.

University of Texas.

Smith, T. V. *The American Philosophy of Equality.* (Chicago: The University of Chicago Press, 1927, pp. x, 339.)

This book is a worthy successor to the author's *The Democratic Way of Life.* Concerned ostensibly with the American career of the doctrine of equality, it views history with an eye to the present and future; it endeavors to grant equality a new lease on life by interpreting it functionally as an *ideal.* The weakness of the claims for equality based on the declaration of natural rights, on theological dogma, or on any other *a priori* metaphysical sanctions, is freely admitted and exposed without palliative. The fact that the ideal outlived the sanctions which were invoked to save it, is taken to represent a faith in the possibilities of human nature. It is these possibilities that men have dimly foreseen which inspire Professor Smith's vision. With the new conception of human nature ushered in by Darwin and the social sciences, the individual is recognized as an acquisition of the social process, not a static self-contained endowment but a socially shared and constituted achievement. "Men *are* what they *function as.* The appeal to the practical fruits of the claim of equality for its justification rather than to the metaphysical or theological roots of individuality is here emphasized; and equality is held to be justifiable as a claim of right, apart from any arguments based on the metaphysical nature of man. If men are not actually equal, they nevertheless ought to be treated more equally than they now are, as regards access to education, distribution of economic opportunities and goods, and participation in other privileges. In defense of this 'ought' it is argued that human nature is dynamic, that by such treatment men can be made more equal than they are, that such equality is desirable because it conditions coöperation, that some measure of coöperation is prerequisite to any human life at all, and that a maximum of coöperation is the *sine qua non* of that good life to which the social prophets and spiritual seers of mankind have long pointed the way." (p. ix.)

The book is divided into six chapters, the titles of which pretty well touch off the drift of the discussion. The first three, namely, Equality and the Declaration of Independence, Slavery and the American Doctrine of Equality, Woman's Rights and American Doctrine of Equality, give a discriminating account of the reign and passing of the doctrine of natural equality. Importance is ascribed in ascending order to the pioneer conditions of living, the homogeneous class of colonists, and the religious and political theories inherited from Locke and Hobbes. It is recognized that the appeal to natural equality served first simply as a weapon for redressing specific wrongs, that neither Locke nor Hobbes believed in the equality of men in any significant present sense, and

that the real motivation of the continued appeals to natural equality was the desire for further special advantages and privileges. With the problems of reconstruction, equality as a group claim lost most of its force; the welfare of each no longer obviously agreed with the welfare of all. Passing from a state of indifference in which all men could assent to equality by *nature*, the doctrine of natural equality was in the slavery issue definitely overthrown by Calhoun; in replacing it with the doctrine of the good of the state, Calhoun is said to have won his case though he lost his cause. Woman's demand for equality, though it appealed so far as possible to the old sanctions, was compelled to appeal chiefly to consequences and to emphasize the importance of growth and development. This third chapter is extremely well done and merits a grateful reading by the gentler sex.

The last three chapters, Equalitarianism in Quest of a Philosophy, Newer Views of Individuality as Philosophical Bases for Equality, The Functional Interpretation of Equality, record a fundamental change in point of view, a new conception of human nature and of the individual, and introduce the author's critical and constructive deductions. The argument is too compact to summarize fairly. Finding democracy hanging in the balance, Professor Smith attempts to fortify the transformation of equality from a fact to an ideal, and from an abstract claim to specific demands, particularly the demand for equality of opportunity. He appeals to the shift in philosophy from the view that ideas have ontological significance as copies of a transcendent reality to the view that the significance of ideas lies in their future reference and functioning. He describes forcefully the contrast between the traditional assumption of a ready-made soul and the view of mind or individuality as a product of social and language behavior. Pragmatism is accorded a central place in recent philosophy for championing the cause of liberty and the individual against external authority. Mr. Dewey is given credit for carrying forward most successfully the experimental logic which Darwin's work initiated. And it is interesting that Professor Smith thinks that Franklin "might with some justice be called the 'first American pragmatist.'" (p. 206.)

Professor Smiths concluding arguments are a model of ph'losophic caution; in fact, in the opinion of the reviewer, he concedes too much to the critics of equality, and is hence compelled needlessly to rest his "functional interpretation" of equality as a justifiable ideal on questionable foundations. When factual equality is admitted to be a fiction (but not a falsehood), which is then defended by its practical fruits, when it is admitted that there is no sense in which one can say definitely that men *are* equal, and it is then asserted that nevertheless men should be *regarded* as equal because only thus can men coöperate fully, when finally the belief in equality is likened to the belief in deities in that the belief validates itself in functioning or working whether the object of the belief exists or not, we are on thin and slippery ice. That is, we are in danger of reversing the true order of our categories. If men most truly are what they are coming to be, what they are coming to be is largely in virtue of what

they are, i.e., what they have been coming to be. And is it not truer to say that men's coöperation is motivated by their belief in their fundamental equality, than that their fictitious belief in equality is necessitated by the demands of coöperation? If the belief in equality is to be upheld, we must not appear to justify it on the ground that though it is now not quite true it will work (and be made true?); the consequences which will make the belief in equality *valuable* for coöperation are contingent upon the logically prior consequences which make or do not make the belief *true*. The author has unwittingly, I think, tended to overshadow the belief in equality by his ethics of coöperation. But this query quite fails to do justice to the argument which the reader is warmly recommended to read and enjoy for himself.

D. A. PIATT.

University of Texas.

Gowen, Herbert H., and Hall, Joseph Washington, *An Outline History of China*. (New York: D. Appleton & Co., 1927, pp. xxviii, 542.)

This is a well-written and exceptionally serviceable brief sketch of China's immensely extended history. Mr. Gowen, who contributes the part ending with the overthrow of the Manchu régime, has attempted to exhibit the nation's biography as a process of evolution (the "three August periods, the ten periods of ascent," etc., p. 27), with emphasis on popular rather than political and dynastic factors of the national life and growth.

In keeping with this interpretation is the comment that in the national tradition (pp. 57–8) "the men who attracted attention and became leaders and about whom the state revolved were the cultural innovators; not those who could slay a regiment with the jaw-bone of an ass, but those who invented some new way of holding the water in check and of irrigating the land. This does not mean that there was no fighting in primitive China, but as we run over the series of mythical rulers, for what do we find them immortalized? For lands they conquered? For the kings they tied to their chariot wheels? No. Hou Chu was an early Burbank who developed cereals. Fu Hsi standardized the marriage customs, developed arithmetic and writing and taught music, fishing, and animal husbandry. Nu Kua, a woman engineer, repaired the ravages of a flood, others founded the medical profession, and are given credit for improvements in sericulture, for the calendar, weights and measures, implements, and utensils. What a contrast between these and men like Assurbanipal, Romulus, or Jimmu Tenno." This favorable characterization is balanced by an enumeration of what are taken to be the characteristic vices of the Chinese (p. 63) "often the defects of their qualities—acquiescence in bad conditions, lack of general social conscience, callousness to distress outside the group, opportunism and guile (the substitute for violence in dealing with one's fellows)." The reader will readily understand the difficulty

in deciding how far such characteristics of either sort are peculiar to any one people.

The period since 1910 is perhaps the more difficult of the two, as the demands of the reader are likely to be more exacting, and more strongly under the influence of preconceived opinion. Mr. Hall's account of the part played by "the powers" in China is of necessity not favorable to the foreigner. He has told this story with a commendable effort at impartiality. He might perhaps, with entire accuracy, have emphasized more strongly the foreigners' culpability for the political collapse which came about the time of Yuan's attempt to assume the office of emperor. The Chinese nation, under their new government, had surpassed any other people so far as I can recall in coping with the difficulties of such a revolution. They had dealt successfully with the evil of paper money, balanced their budget for the first time at any rate within recent centuries of Chinese history—and had effectuated other notable reforms. It cannot be proven that the foreign interference brought subsequent ruin, but the denial by the powers to China of freedom to manage its own affairs—financial and others—largely shifts the burden of responsibility from the Chinese.

On the dispute as to the proper government for China—monarchy or republic, and Dr. Goodnow's encouragement to the monarchists—a quotation (p. 382) from Mr. G. L. Harding's *Present Day China*, deserves to be quoted again as the best and conclusive argument on that subject. The Chinese were accused of being "unable to understand an idea" (of democracy, that is) "that they had administered for centuries as local government." All well-informed writers on Chinese political organization have recognized that the emperors were suzerains rather than rulers, and that the chief functions of government were performed by a million little republics. With such a past, the process of centralization may be hard, but it can hardly take a monarchical form.

The treatment of economic matters in this late period frequently suggests the use of second-hand and unreliable sources. For example (p. 438) the Shantung Railway was not in the days of the German occupation of Kiaochow "Chinese property" but the property of a German corporation. It is not quite accurate (p. 435) to say that British firms in China were exempt from British income tax. It is surprising to read (p. 426) that the 2,500,000 cotton spindles in Shanghai were more than those of Lancashire. There are not much less than 60,000,000 cotton spindles in England—largely in Lancashire. I fear the Chinese Government's efforts at suppressing the use of opium were less successful than Mr. Hall has assumed.

A. P. WINSTON.

The University of Texas.

Kenton, Edna (ed.) *The Indians of North America.* (New York: Harcourt, Brace & Co., 1927; two volumes, Vol. I, pp. 579, Vol. II, pp. 597.)

This work, in two volumes of nearly six hundred pages each, will be welcomed, not only by lay readers who would never have the time or the

opportunity to consult the relatively rare, voluminous, and expensive editions of the Jesuit relations heretofore existing in English or in the original French, but by the professional anthropologist as well. The latter may have access to a complete set of the Gold-Thwaite Edition, but the seventy-three volumes obviously cannot be read through, even once, by the most assiduous professional worker, unless he should neglect other bodies of ethnographic materials equally essential to a comprehensive world knowledge of primitive life. There is no one thing so much needed, both by the professional anthropologist and by workers in related fields who may need anthropological data, as the skillful condensations of the thousands of volumes in the fields of ethnography and archaeology, including of course the thousands of pamphlets and the great mass of journalistic literature. The present situation in the literature of anthropology is discouraging almost to the extent of bringing despair to the conscientious teacher of anthropology, particularly if he is giving courses in general anthropology for purposes of liberal education. To the research worker and the narrower specialist in teaching the need for condensation, summarization, and classification may be less pronounced.

The editor in this instance has done her work exceedingly well. She has chosen with judgment and has elucidated with well-placed, well-proportioned notes which give evidence throughout of intimate and scholarly familiarity with the whole field in which she was working; also of such a love for the task which she had set herself that this is no doubt a large part of the explanation of her success.

Anyone who reads these volumes with enough general knowledge of ethnology to be able to make proper allowance for the prejudices, special point of view, and lack of modern scientific training of the Jesuit Fathers during the seventeenth century will probably get more pertinent data upon the life of the American Indian, north of Mexico, than can be had in any other body of reading of like size.

J. E. Pearce.

University of Texas.

Barry, Frederick. *The Scientific Habit of Thought.* (New York: Columbia University Press, pp. xiii, 358.)

Since scientists (social scientists excepted) rarely attempt to describe and analyze the methods and assumptions of their thinking, a statement by a research worker in physical science and a teacher of the history of science is certainly worth reading. Though the discussion is loosely-knit and diffuse, embracing such broad topics as the place of science in education and the nature of education in general, certain definite contentions stand out. Although these contentions are by no means original with the author, they are sufficiently important and sufficiently far from general acceptance to bear reiteration.

The first important point is made in connection with the definition of facts. Usually we take for granted a distinction between the internal

world of thought and feeling and the external world of things; and facts are thought of as existing in the external world where they lie open to the observation which is directed toward them. According to Professor Barry (if we may give a free translation of his argument), the distinction between the internal and the external world is not itself given as a fact. Consequently, instead of saying that we, to begin with, know the difference between the external world and the internal world and by means of this distinction separate facts from ideas, we must say on the contrary that we first determine facts and then after that is done ascribe to facts the attribute of externality. Or, to put the matter in another way, we cannot say that x belongs to the external world and is therefore a fact; but rather that x is a fact and therefore belongs to the external world.

How, then, do we determine that anything is a fact? The answer is that, in any absolute sense, we do not. We usually think of facts as being given and as remaining the same while theories and interpretations change; but the truth is that facts also change. Indeed, there is no qualitative difference between fact and theory, since "all that distinguishes fact from theory is the more completely demonstrated consistency of factual relations," and since everything except the elements of immediate awareness is correlation and interpretation. The primary datum is not facts observed in the external world, nor any of the elements which form the terms of matured reflection, but "the whole vague complex of diffuse awareness."

In unanalyzed experience there are no elements which come labeled as fact. Nevertheless, our reflection always starts in the framework of common sense, with certain dichotomies and habits of representation subconsciously developed by the exigencies of life, our distinction between the internal and external world being one such dichotomy. The conceptions of common sense, however, like the results of science, are merely provisional, and are subject to revision. In the revision, as in the original development, there is only one criterion of truth—"consistency in thought and action, which is to say consistency in experience as a whole."

The criterion of truth suggests the nature of explanation. An explanation is "a progressive elucidation which is nothing else than more and more precise and generalized description." In the same fashion, we may say that the solution of any problem consists in the establishment of intelligible general consistency.

Though the doctrines given above belong essentially to the empirical or pragmatic point of view associated recently with James and Dewey, the author works out these doctrines in his own way, with interesting originality of detail. Moreover, the book is valuable because of its background—research work in science and study of the history of science—and because of the discussions used in illustration.

CHARNER M. PERRY.

The University of Texas.

Thompson, John Griffen. *Urbanization.* (New York: E. P. Dutton & Co., 1927, pp. xiii, 683.)

To the students of political science, as well as to those of economics, religion, and sociology, the question of the effects of the growth of cities upon civilization has been an important problem, increasing in its importance as more and more countries have become preponderantly urbanized. Out of the maze of conflicting opinions two schools of thought have arisen, one, a majority, championing the cause of the rural sections against the supposedly deteriorating influences, political, social, and religious, of urbanization; another, a minority, convincingly pointing out the meritorious contributions of the city to the history of the world, in which the perplexing problems created by city growth are outweighed by the added advantages given. In the United States, so long predominantly rural, impetus has been given to this question since the census of 1920, which showed, for the first time in our history, that our own country had become "urbanized," 51.4 per cent of our population then living in urban centers. Although much has been written concerning the social, economic, and religious aspects of this modern movement throughout the world, its political side has received scant attention outside of government textbooks, and what attention it has received has been largely condemnatory. Yet the political aspects of urbanization are becoming closely linked with the fortunes of representative government the world over, and the important questions remain as yet unsolved. What are the effects of urbanization on government and society? What are, and have been, the relative merits of rural and urban influences upon governmental leadership, stability and efficiency, in peace as well as in war? What of the future of democratic government in the United States, judged by the experience of this country and others in the past, if we become highly urbanized?

To attempt to answer these questions authoritatively and in a satisfactory manner would evidently be no small task, yet to such a task Mr. Thompson has devoted his efforts, the results of which appear in his work, *Urbanization.* To do the author justice, a brief sketch should be given of the plan of his work, which indicates the painstaking labor that was put forth in its preparation.

Urbanization, as stated by the author, "represents another attempt at an examination of the consequences of urbanization, as viewed primarily though not exclusively from the political point of view." (P. vii.) In order to draw a line between urban and rural sections for the purpose of comparing their relative influences Mr. Thompson defines rural "as meaning primarily the open country, including those agglomerated groups that are so small, so unquestionably rural or agricultural, or so devoid of any intimate, organized political life as closely to approximate the open country; while urban is interpreted as embracing all groups of agglomerated population, irrespective of size as just noted, which possess a definite political life and organization that associate the members of the groups in intimate political nexus." (Pp. vii–viii.)

Having drawn his line of demarcation, the author, in well documented chapters, shows the favorable influences of urban centers in the establishment of the inviolability of the many elements of civil liberty and human freedom; traces the rural and urban contributions to democracy, or political liberty, in ancient and medieval times and in modern Europe; and in a general survey points out the same relative contributions to democracy in the United States through ten great periods of our history. Then in a more specific manner, he traces the rural and urban influences upon the special features of democracy in this country—the suffrage franchise, representation, the initiative, referendum, and recall, and the New England town system. Realizing, moreover, that the political genius of a people determines the character of the government under which it lives, the author then examines the effect of urbanization upon political intelligence, political initiative or enterprise, political inventiveness as to the forms and principles of government, political activity, political leadership, public spirit, political purity, and the efficiency of government, national, state and local. Adding a chapter each upon the economic, moral and religious consequences of urbanization, the author concludes by pointing out the effects of urbanization upon political preparedness for war, including the problems of international peace, patriotism, the assimilation of alien elements, equipment, and individual military capacity.

In arriving at his conclusion that "the different counts of the indictment against the cityward movement, from the political and social points of view, are thus seen, in the light of the present inquiry, in general not to be valid" (p. 614), the author has realized the inherent limitations of drawing uncompromising conclusions from such a great array of facts on both sides, and has consequently freed himself from any markedly biased generalizations. The reviewer feels, however, that the assumption of the author that urbanization has contributed to political advancement in its manifold aspects; that the evil political problems of city growth, so often cited by the biased partisans of the agricultural community, will likely be met and advantageously solved by the cities themselves in the future; and that the city "is making far more rapid progress than the country in the solution of their respective problems" (p. 616), with the result that the cityward trend will more materially benefit civilization in its economic, social, and political phases, has been largely proved by the facts given.

In giving a comparative and largely historical study of the differences between the rural and urban civilizations and their effects upon government chiefly, Mr. Thompson has prepared a book that will prove very helpful especially to students of municipal government. A 64-page index is an unusual feature of a work of this character.

J. A. Burdine.

University of Texas.

Grady, Henry F. *British War Finance*, 1914–1919. (New York: Columbia University Press, 1927, pp. 316.)

This book is a PH.D. thesis and was written while the author was in London as American Trade Commissioner.

Of the seven chapters in the book three deal with financial mobilization, government revenue and government borrowing. These three chapters cover material now quite familiar to financial students, and Mr. Grady's treatment of them is chronological, factual, and very condensed, although the chapters take up more than half of his book. Of interest is the author's opinion that British inflation was caused by the abandonment of sound banking practice and fiscal policy. If instead of currency issues dictated by the Treasury, the Bank of England had been permitted to regulate money demands by changes in the bank rate, and if in 1916 and 1917 there had been heavier taxation, in Mr. Grady's opinion inflation would have been less serious, war costs less heavy, and post-war financial burdens lighter.

The remaining chapters deal with British banking, the money market and financial reconstruction. Of particular interest in these is the account of the bank amalgamation movement. But this movement and the other changes which took place in English banking were, as the author points out, the culmination of pre-war tendencies and not new departures of policy. A weakness of the treatment of the amalgamation movement is the acceptance of the representation of the bankers that in effecting the mergers they were actuated by unselfish personal motives. It is more probable that in these consolidations, as in industrial and other ones, the primary motive was the desire for larger or less precarious profits.

Bearing upon the future of New York as a rival of London in financing of world trade is the author's belief that the domination of the New York call money market by the stock brokerage houses is a serious obstacle to the progress of New York.

The sketchy, condensed, and chronological character of Mr. Grady's book makes it a convenient reference book for the British financial events of the period 1914–1919.

E. T. MILLER.

University of Texas.

Sears, Louis Martin. *A History of American Foreign Relations.* (New York: Thomas Y. Crowell Co., 1927, pp. xiii, 648.)

No other field of American history and government has been, up to the past few years, so lacking in satisfactory text material as has that of our foreign relations. Fortunately, as a result not only of increased general interest in the subject but also of a clear realization of the vital relation between the foreign and the domestic affairs of a nation, this need is now rapidly being met. And that Professor Sears has made a

distinct and valuable contribution to that end will be evident to any one who reads the volume now under review.

In taking up this work the reader may be reassured at once on several points: first, that Professor Sears is, by experience both as teacher and writer, well acquainted with his subject; second, that he "approaches his task with a conviction that the textbook should be a guide rather than a dictionary, that the establishment, on sufficient evidence, of a point of view, is of greater import than the recounting of innumerable incidents of vastly varying importance"; and third, that he considers the fulfilling of the duty to formulate a definite philosophy regarding the country's foreign relations to be "the supreme problem of modern citizenship," and not merely a subject for academic study.

In his method of treatment Professor Sears, though laboring under the well-known limitations of the chronological approach, achieves success in his effort to interpret periods, to estimate the influence of personal factors, to evaluate throughout, from a balanced point of view, our relations with other powers, and finally, to trace through the whole maze of our diplomatic history the threads that indicate, after all, a certain continuity in our foreign policies.

Though it may be easy to approve in general the author's point of view, his method, and the execution of his plan, yet there are necessarily some points at which the reader, judging from his own point of view, may desire to question or criticize. It may merely be that unbiquitous "rock of stumbling," this time in the writer's knowledge of geography, but it is difficult to accept fully the statement (p. 172) that the boundary as determined in 1819 "cut off enormous areas in western Texas." Nor would the writer wholly agree with the characterization of the Opium War as "one of the great crimes of history in its cold-blooded purpose to debauch a mighty nation" (p. 232). Furthermore, the author claims an extensive jurisdiction when he speaks of the "disgust with which the American people have viewed their war with Mexico" (p. 242). Just who are the "American people" in this case? In another instance (p. 452) we are informed that "General Wood had cleansed the island's (Cuba's) sanitation," while on the next page we note that "in detail the application was assured of the Monroe Doctrine."

These few slips, if such they be, of phraseology should not weigh very heavily against the many good qualities of the volume. If, indeed, the reader is led to question why the author did not, in the documentation, make more use of primary and less of secondary sources, or why, for example, more attention was not paid to the significant change since 1922 of our time-honored attitude on the proper interpretation of the most-favored-nation clause, he may readily be referred to many specific points that the author has treated in excellent fashion, as the Civil War diplomacy in general, or the statement on the termination of the Armstrong mission (p. 140), the results of which caused us to choose the wrong antagonist in 1812, or, finally, the carefully discriminating statement on Slidell's mission to Mexico (p. 240). It is worthy of note,

too, that he has preserved an even keel in his discussion of our Latin American policies.

Here, then, is a volume well worth reading and studying; for it is not merely informative but is interpretative as well. In style, design, and execution it deserves a wider reception than college classes alone can give.

CHARLES A. TIMM.

University of Texas.

Brasol, Boris. *The Elements of Crime.* Psycho-Social Interpretation. With introductions by John H. Wigmore and William A. White. (New York: Oxford University Press, American Branch, 1927, pp. xvii–433.)

This treatise, written by a man who has had practical experience in dealing with criminals as former prosecuting attorney in the Supreme Court of St. Petersburg, and flanked by such eminent authorities as John H. Wigmore, Professor of Law, Northwestern University, and Dr. William A. White, Superintendent of St. Elizabeth's Hospital, Washington, D. C., is in many respects a notable achievement while, in certain other respects, it is platitudinous and inconclusive. On the whole, however, the book is one of the best treatments of this most complex and difficult subject. It reveals a very thorough acquaintance with concrete facts about criminal conduct and the various theories about criminality. With respect to the latter, it presents a critical and truly scientific attitude, carefully analyzing them, exposing the fallacies of many of them, and strengthening others by the weight of recent experimental data.

As the sub-title suggests, this book is written from the psycho-social viewpoint, which, under the treatment of the author, emerges with a resplendent glory. The anthropological and economic determinism schools of criminology are questioned at every step and come out of the inquisition much the worse for wear. Though the author is usually cautious and sound in his psycho-social interpretation of criminal conduct, he is not wholly innocent of grossly exaggerating the importance of such psychic factors as the "instincts" and the "will." With respect to "instincts" he is too close a disciple of James and McDougall.

The reviewer wishes the author had drawn more largely from his experience as a jurist. From such an experience should have come a wealth of case material, the inclusion of which would have greatly enhanced the value of the book. However, the reader feels that the author knows what he is writing about and that his treatment rests on an unusually sound basis of first-hand experience and exhaustive research. More and more is the need of a good case-book on criminology becoming apparent to the reviewer. Such a case-book will hardly come from a pure academician.

The volume is equipped with appendix, valuable glossary of terms, adequate bibliography, and satisfactory index. Of doubtful value is the

chart on "Human Conduct" inserted between pages 282 and 283. The workmanship that went into the making of the book is an excellent recommendation for the publishers.

W. E. GETTYS.

University of Texas.

Jessup, Phillip C. *The Law of Territorial Waters and Maritime Jurisdiction.* (New York: G. A. Jennings Co., Inc., 1927, pp. xxxviii, 548.)

The views and practices of a large number of states on the subject of territorial waters have been placed in a convenient form by the author of the present work. This is particularly true of the chapters dealing with the three-mile limit, sovereignty over territorial waters, jurisdiction and control on the high seas adjoining territorial waters, and bays. In the last mentioned chapter, Mr. Jessup, in addition to discussing the general rules governing claims to bays, considers decisions reached with respect to twenty-nine bodies of water in different parts of the world.

Approximately one-third of the book is devoted to a study of the maritime law situation arising from the prohibition laws of the United States. The decisions of the lower Federal Courts analyzed in this connection are of present-day interest, particularly to attorneys handling prohibition cases; but in view of the increasingly large number of opinions being handed down by the Supreme Court on the points in issue, this part does not promise to retain the permanent interest attaching to the remainder of the book. The author, however, has done well to quote largely from the diplomatic correspondence occasioned by the enforcement of the Eighteenth Amendment and the Volstead Act and thus put much of this correspondence in such a form as to be readily accessible to persons interested.

The last chapter is devoted to the presentation of a proposed code on territorial waters. The six articles of this code are the logical outcome of the conclusions reached in the preceding chapters. Drawing freely but discriminatingly from various proposed codes, Mr. Jessup sets forth a draft which merits the careful attention of persons engaged in serious attempts to codify that portion of international law with which it deals. In this respect as in others, persons working on the subject of territorial waters in the future will find their task considerably lightened as a result of Mr. Jessup's careful study.

IRVIN STEWART.

University of Texas.

Reuter, E. B. *The American Race Problem.* (New York: Thomas Y. Crowell Co., 1927, pp. xii, 448.)

In a day when one is assailed on every hand by the alarms of 100 percenters of the ilk of Madison Grant, Lothrop Stoddard, and other agitators in the interest of Nordic purity, it is a welcome relief to

read such a book as the one under review here. In all his studies of race and race relations, Dr. Reuter has approached his researches with an unprejudiced and open mind. That fact recommends his writings on the subject to the thoughtful student and marks him as one of the most discerning and reliable writers in the field of the sociology of races. In *The American Race Problem* he continues the excellent work done in his earlier treatise on *The Mulatto in the United States*, in the chapters on racial questions in his *Population Problems*, and in the several papers he has written discussing various angles of what is sometimes called social biology.

Among the most valuable chapters in the book are those treating "Race as a Sociological Concept," "The Negro Population," "The Negro in Literature, Art, and Music," and "The Church and Religious Life of the Negro." The last two topics are at the present time the subjects of considerable research and writing on the part of both negroes and whites and are making considerable appeal to the popular mind. Dr. Reuter gives an excellent summary treatment in his chapters and cautiously evaluates the work of negroes in the fields considered. Not only does he present the facts to show that the contributions of negroes in "the realm of literature and the fine arts, as in science and scholarship, have been small and unimportant," but he goes on to give a social explanation of their barren record.

Dr. Reuter's concluding chapter on "The Present and the Future" is a scholarly attempt to evaluate proposed solutions of the race problem and to prepare the reader for an objective attitude towards the relations of the races in the present and the future. His opinion of the future relations is expressed in the concluding paragraph where he says, "As a result of the intermixture the negroes as such ultimately will disappear from the population and the race problem will be solved. But in the meanwhile there will be the problem of defining relations in terms tolerable to the members of each racial group." So the problem is not solved and will not be solved for many years to come and then the solution will be, in the opinion of Dr. Reuter, amalgamation.

W. E. Gettys.

University of Texas.

Kneier, Charles M. *State Regulation of Public Utilities in Illinois.* (Urbana, Illinois: The University of Illinois, 1926, pp. 226.)

The twentieth century has been one of many developments in the field of state regulation of public utilities. This regulation, primarily by state commissions, has been effective a sufficient length of time to inquire as to its success. Much has been written on the general subject of state regulation, but little has been done dealing with the situation in particular states. Frederick L. Holmes in 1915 published a study on the Wisconsin situation which indicated the possibilities in this field, but until the appearance of this treatment of the Illinois problems practically nothing has been done in the way of comprehensive studies of regulation

in other states. The purpose of this study as stated in the preface has been to consider the law and the practice in the regulation of public utilities in Illinois; to consider how far such regulation is sound in principle, to examine the operation of the plan of state regulation in that state, and to note some of the defects in the administration of the law. The author has relied not only upon the statutes, court decisions, and reports of the commission, but he has observed and studied the organization and operation of the commission at Springfield, Illinois. The study deals mainly with the period after 1914 since it was that year in which the State Public Utilities Commission was formed, and what might be termed the modern era of regulation began.

It seems as if the author has approached the study of public utility regulation in Illinois without preconceived prejudices or bias; he is neither a staunch adherent to the principle of state regulation, nor to that of home rule or local control. He presents the merits of each, pointing out the peculiar situation in Illinois with over one-half of the population of the state in the City of Chicago. For such cities he states there is a "strong case" for a local commission.

While there is no attempt to be argumentative, but rather to present the actual facts as revealed in the reports of the commission, a critical attitude is taken in the consideration of the organization and methods of procedure before the commission. The advantage to the public utilities in the proceedings there, and the serious handicap under which the cities present their cases is clearly brought out.

The author is not optimistic about state regulation in Illinois. Questions are raised in connection with some points which he frankly confesses he has been unable to answer, or has been unable to have answered in the offices of the commission. Throughout, there appears a note of pessimism, which is revealed in the closing statement of the study that "due to the magnitude and complexity of the problems involved, it may be doubted whether an entirely satisfactory system of regulation is practicable." The study was completed previous to the disclosures, made before the committee of the United States Senate investigating political expenditures, concerning the contributions made by public utility operators in Illinois, to the primary campaign of the chairman of the Illinois Commerce Commission. Some of the evidence presented there indicates that the author's attitude of doubt as to the success of state regulation in Illinois may be well founded.

The book is well documented and is based on a careful and thorough study of all available material. Thirteen tables in the appendix to the book, and a very complete bibliography round out a very good piece of work and add much to its value. Similar studies should be made of state regulation in other states.

WALDO G. MUELLER.

University of Texas.

Chinard, Gilbert. *The Commonplace Book of Thomas Jefferson.* (Baltimore: The Johns Hopkins Press, 1926, pp. 403.)

In disinterring *The Commonplace Book of Thomas Jefferson* from the long-buried records preserved in the Library of Congress, Professor Gilbert Chinard has rendered a service of no little importance to that increasingly numerous group within the pedagogical fraternity who are interested in ascertaining the genesis of Jefferson's political philosophy. This publication is essentially an abstract of the author's fundamental political ideas, presented through the medium of compendious summaries of a diversity of political and related treatises, and accompanied by succinct but illuminating interpretative commentaries.

The major portion of *The Commonplace Book* is devoted to excerpts which Jefferson culled from the works of the somewhat formidable array of foreign writers to whom he owed many of his favorite doctrines. The entries in the manuscript were undoubtedly made spasmodically, some of them patently separated by considerable intervals; and, although the precise period of the compilation cannot be determined with even approximate accuracy, it is clear that the greater part of it antedated the Declaration of Independence. The early numbers, largely concerned with legalistic literature, reflect unmistakably the authorship of a young lawyer, whereas the later entries, devoted principally to an analysis of the federative system of government, the history of the common law, and extracts from Montesquieu and Beccaria, evince a greater catholicity of interest and at the same time a more rigorously critical judgment.

Greater attention is bestowed upon Montesquieu than upon any other writer. The many passages copied from the *Esprit des Lois* rather conclusively indicate that there Jefferson found either the source or confirmation of some of his primary principles, even if it be admitted that ultimately Jefferson came to consider Montesquieu, upon whom his political enemies leaned heavily, as a propagator of false theories. Certainly Montesquieu's ideas of popular sovereignty, slavery, religious toleration, political relativism, and the dynamic character of constitutions presented no clash with Jefferson's beliefs.

The Commonplace Book tends to substantiate the contention that Jefferson was but slightly influenced by the French *philosophes*, excepting Montesquieu alone. In his "Saxon ancestors," however, Jefferson manifested the greatest interest, and not an inconsiderable part of *The Commonplace Book* contains evidence of his diligence in undertaking to discover the facts of their history.

There is no denying that *The Commonplace Book* disproves with finality the idea often advanced that Jefferson adhered tenaciously to doctrines based upon specious generalizations and representing the product solely of his own mental processes. On the contrary, it appears that, had he been constrained to do so, Jefferson could have answered his every critic by the citation of numberless authorities; and this is equally true in respect of religious freedom, natural rights, and the theory of the

federative system of government, the historical background of each of which *The Commonplace Book* shows he had painstakingly traced.

C. B. BEARD.

University of Texas.

Whyte, Sir Frederick. *China and Foreign Powers.* (Oxford University Press, American Branch, 1927, pp. vii, 78.)

This little volume is a memorandum dealing mainly with the history of British relations with China, the relations of other states with China being mentioned only incidentally. The appendix contains some British and Chinese documents, though not all are important. In general it is a defense of British policy; it depicts that policy as one generally in advance of the policies of other powers in its sympathetic attitude toward China. For example, we are informed (p. 13) that "there is no doubt that Great Britain would have implemented the promise of the Mackay Treaty if China, on her part, had provided the opportunity." Britain's policy of "letting the people work out their own salvation" is contrasted with the interventionist policy of Japan since the Revolution. Attention is given also to the relations of China with the Allies, with emphasis on the Twenty-one Demands, on the Chinese problems at the Paris Conference, and on events since 1919. The Consortium of 1920 is defended as "the only remaining bulwark" of China's "political integrity" (p. 22). The author seeks not only to prove that Britain's general policy has been one of advanced and sympathetic liberality toward China but also that Britain has generally held and still holds the initiative in the Pacific. On this latter point he takes issue with Professor Willoughby, who in his two treatises, *China at the Conference* and *Foreign Rights and Interests in China*, gives Britain no credit for taking the lead in reopening the whole Far Eastern question at the Washington Conference. He shows that it was the British Government and not that of the United States that led in that all-important matter. In proof of the fact that Britain still holds the initiative, the author shows that the British Government tried early in 1926 to engage the United States Government in a "joint new departure which might bring some positive result out of the Washington pledges." The result of failure on the part of the United States to take action was the issuance in December of that year of the British "Memorandum on Policy in China." The concluding chapter states the main features of British policy in China, the most striking points being (1) British policy, in contrast with that of Russia, both Czarist and Soviet, and of Japan had mainly a commercial motive; (2) that the "disinterestedness" of the United States deprived Britain of the support of the only great power that might have helped her pursue a more positive policy in China; and (3) that since the Memorandum of December 18, 1926, Great Britain has gained the leadership in the efforts to carry into effect the principles of the Washington Conference. It may not be difficult to approve in general the efforts of the author to differentiate British from Russian and Japanese policies in China; but it is too much to expect the reader,

even though he overlook the misleading title, to accept without question the author's criticism of the term "Opium War" and his statement that Britain alone accepted the "open door" notes without reserve.

CHARLES A. TIMM.

University of Texas.

Fortescue, John. *The Writing of History.* (London: Longmans, Green & Co., 1926, pp. 74.)

The late librarian of the Royal Library at Windsor has embodied in this slender volume a series of comments on the work of the historian. It appears to be intended for the guidance of young writers of history, and although it contains a certain amount of specific advice, its general purpose seems to be the delineation of the proper historical ideals.

The book begins with an attempt to define history both in the absolute and relative sense and then proceeds to a consideration of the vast range of material that falls within the scope of history, even in its most restricted sense. The writer in most interesting fashion calls attention to the warmth of human life that often lies behind the formidable exterior of dusty public documents. He then passes on to a discussion of the historian's equipment, calling attention to the necessity of broad linguistic training and ability to handle manuscripts. The manuscript, he reminds us, even though it be poor, is much more valuable to the historian than the best of printed texts.

In his section on the criticism of sources he lays special stress on the fact that between the original act or fact and the historian there intervenes a number of documents, each of which is essentially a scrap of human nature. Since, he continues, there is no science of human nature the reader will no doubt "smile quietly" at the pretensions of the school of historians, who wish to bring history closer to the natural sciences. At this point one is inclined to reflect that, although it may be true that every document is, in its way, a scrap of human nature, there are unquestionably many documents in which the human element puts no great strain on the powers of interpretation, and that history written on the basis of such documents only, though incomplete,may be a better guide to action than the lively but dubious productions of the "we-may-well-imagine" school.

In discussing the mental qualities most essential to the writer of history the author places great emphasis on the need for imagination and an "experiencing nature." In this view the writer will no doubt have the support of most serious students of history. Perhaps not so many will follow him as he develops the idea to the conclusion that the great novelists are possibly the greatest historians.

The next observation is that history should be lively and entertaining in order that it may be read with more pleasure by those who lack the imagination to observe the living truth in the bare record. This, he

asserts, can be done without sacrificing accuracy. The examples with which he illustrates this point do not all inspire confidence.

In the treatment of the training of the historians is included a discussion of the influence of social position upon the writer's attitude toward his materials, and the consequent lack of unity in most coöperative histories.

The essay concludes with miscellaneous advice to students on various special topics such as research, the fixing of scale, arrangement, the historian's advantages and disadvantages.

CLARK H. SLOVER.

University of Texas.

Thrasher, Frederic M. *The Gang. A Study of 1,313 Gangs in Chicago.* (Chicago: The University of Chicago Press, 1927, pp. xxi, 571.)

In attempting to make a study of that elusive creature, the gang, Dr. Thrasher undertook a prodigious task. In fact, he spent several years in this work and the results are most gratifying. It is little short of amazing that an outsider was able to dig up the secrets of what is perhaps the most exclusive and secretive of all human organizations. And yet this is what the writer of this authoritative monograph did by courageously and painstakingly putting himself in a position to win the confidence of the gangsters. The result is an excellent piece of social research which may well serve as a model.

The Gang, though "a study of 1,313 gangs in Chicago," is typical of gangdom in all American cities. The natural history of the gang is revealed by intensely interesting case material. We are told that a large amount of the case material was secured from gang organizations themselves. The reviewer notes, however, that a considerable part of it seems to have been drawn from more secondary sources.

As a study of human ecology the book portrays the behavior patterns that characterize the natural areas of the city. The gang is largely the product of the slum environment. The formation of gangs is the spontaneous, eruptive reaction of "foot-loose, prowling, predacious adolescents" to forces that are unsympathetic and antagonistic and that oppose or hinder the normal and natural fulfillment of their wishes. The gang is essentially a conflict group and gang warfare is essentially a conflict of cultures. The gang is born in conflict and perpetuates the conflict pattern.

The volume is provided with a valuable bibliography and a large map of Chicago's "gangland." We have here a most significant addition to the University of Chicago series of "Studies in Urban Sociology."

W. E. GETTYS.

University of Texas.

The Political Career of Stephen Mallory White, by Edith Dobie, is the third study in History, Economics, and Political Science issued by the Stanford University Press. The work is carefully and interestingly

done. It deals in an intimate and comprehensive way with the life of the well-known leader of the Democratic party in California from 1877 to 1899, a period of storm and stress both in state and national politics. Miss Dobie was very fortunate in having at her disposal the Stephen M. White Papers, upon which she depended for the greater part of her information. Thus equipped, she has succeeded in giving an authoritative "inside story" of California politics for the period covered.

S. D. M., Jr.

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